

Minutes

Eastern New Mexico Water Utility Authority

US Bureau of Reclamation
555 Broadway Blvd. NE, Albuquerque, NM
Wednesday, September 26th, 2012 3:00 PM

AGENDA ITEM NO. 1 – CALL TO ORDER

Chairwoman Brumfield

The meeting was called to order by Chairwoman Brumfield @ 3:15pm.

AGENDA ITEM NO. 2 – ROLL CALL

Chairwoman Brumfield

Roll call was made & all members were present. A quorum was established.

AGENDA ITEM NO. 3 – APPROVAL OF AGENDA

Chairwoman Brumfield

A motion was made by Member Bryant and seconded by Member Chandler to approve the agenda which carried by acclamation.

AGENDA ITEM NO. 4 – APPROVAL OF MINUTES

Chairwoman Brumfield

A motion was made by Member Dixon and seconded by Member Howell to approve the minutes of the ENMWUA meeting in Elida on Wednesday August 15, 2012 which carried by acclamation.

AGENDA ITEM NO. 5 – BUSINESS ITEMS

A. Executive Session –

A motion was made by Member Chandler and seconded by Member Garza to move into executive session to discuss pending litigation filed by the Village of Logan and the South Shore Homeowners Association pursuant to Section 10-15-1 H 7, NMSA 1978 of the New Mexico Open Meetings Act. A roll call vote was made. All members voted in the affirmative and zero members voted against.

B. Action/Discussion Pertaining to Executive Session –

A motion was made by Vice Chair King and seconded by Member Bryant to move back into open session noting that nothing was discussed other than the pending litigation. A roll call vote was made. All members voted in the affirmative and zero members against.

C. Report from the Chair

Chair Brumfield reported my report is simply just to say that we did have the first part of our hearing on Friday & that was continued until October 2nd. With that Joe, I'm just going to turn it over to you & let you give us an update.

D. State Activities – Thompson

Joe reported I was at Santa Fe this morning for the Legislative Finance Committee and there are folks asking about the litigation. There are folks that have some questions; they're certainly paying attention to what's going on. We're also asked today about what you all were considering for capital plan for the coming session. One of the things one of the

members asked if you all would be willing to meet maybe with a couple of the Legislators out from there, they want to work as a team on it. We've got some new members and I think there's a desire to take some of the folks that have been around like Representative Crook who have a long history of being on the tax committee, very skilled when it comes to capital projects and maybe pairing her up with some of the newer members and trying to do something a little more substantive. We've also received word, the word is out that the Governor would like to reform the whole capital process. One of the things she said recently was they want to take projects that they can fund and finish, so one of the things they're trying to stop doing is having capital funds stack up. One of the things that was suggested was that we take our Legislators, work with our team and come up with something. They said we would be remiss if we did not make a capital request, we were encouraged to do so, so that we could continue to demonstrate progress towards the objectives that you all set. The only other thing is there are some other agencies now that we've started to receive some inquiries from unrelated to the litigation and construction so much, more just like how we all work together. There's some other projects around the state and many of them are saying how do we do what they did, so there are folks saying with the whole notion the regional water project that we've had some other communities say we'd like to replicate what they've done. So you may very well receive some calls from some community leaders around the state about that. Chair Brumfield asked isn't that another direction the Governor would like to see the state move as more of a regional type of projects? Joe reported absolutely Madam Chair. I remember years ago the State Engineer John D' Antonio telling us that and now we are starting to really hear others around the state starting to echo those same themes and they are holding you all out as sort of the standard of how it can be done. Chair Brumfield asked when do we need to decide for our capital or how it be used? Joe reported we're going to have thirty new members in the Legislature, some of whom are directly related to us, so they're really not in a position to start questioning stuff. We're kind of waiting for some of these other things to develop to where we can decide whether we're going to focus on phase two which is the interim groundwater stuff, which we did last year, but we also did some intake structure things. It's been suggested that maybe we do two, maybe one related to the intake and one related to the interim groundwater.

E. Federal Activities – Ryan

John reported there hasn't been a lot going on other than Congress has left Washington and we're now in an election cycle and election mode up until November 6th when all the best candidates will, I'm sure, win the elections. What we're looking at is probably the next really big activity that this Authority would want to contemplate is participating in a rural water coalition effort to pass the Senator Baucus/Senator Bingaman bill in a lame duck session which would be mid November to mid December. It hasn't been scheduled yet and we don't know the scope of how many things they would attempt to address in that lame duck. The elections will determine, in large part, whether it will be a very expansive effort that will include tax reform, deficit reduction, all those things are being talked about as things that people would like to put on a lame duck session, but it really depends on what happens in the elections to get people to want to be there and want to do some of the things before a new Congress comes in. I think we've talked about this before, if the Democrats were to take control of the House, the Senate and the Presidency in the elections, that makes the scope of what they would consider in a lame duck a lot larger. If it stays the same, I think it

will be a more narrow scope. I've communicated to the rural water coalition, the six other rural water projects, that we would like to be there and help Senator Bingaman pass this bill. I think it would be good if we participated with them, especially since Senator Bingaman is a late sponsor and would like to pass this before he leaves. I will keep you apprised of that as we get closer, let you know the details and that for the most part is it, other than as you may know we are going to be operating under a CR for six months, instead of going through the regular appropriation process. Our two million dollars that was in the President's budget, we're not sure if the Bureau would be able to allocate that during the six months or not yet. We've got a ways to go to see the language and work with the Bureau as to how they're going to be able to allocate whatever level they come to for rural water projects and how they're going to be distributed amongst the seven rural water projects. Chair Brumfield stated I do think we need to be there.

F. Reclamation Report – Alderete

Joe reported you may or may not know, we finally got the agreement signed, that was a good thing and at the last minute we did get an additional amount of \$347,000 thrown into it, so that's already obligated and available to you. Once the dirt settles, I'm going to try to obligate the other \$1.99 million, but I want our Salt Lake office to take a breather, this is the end of our fiscal year. They've really been working hard, so I'll give them a little breather before I jump on their back again and try to get that extra money.

G. Financial Activities – van Gulick (for Clifton)

a. Financial Report

Paul reported we're doing fine, I think we're within the spec on what we normally spend, so if there are any questions I'll convey them to Don.

H. Project Development Activities

a. Drought Management Plan - Murphy

Dr. Murphy reported there's not much to report in terms of the Drought Management Plan and we have until the end of the year to finalize it.

b. Discussion and Consideration of Application for NMED Grant to Develop a Water Quality Management Plan under sections 205(j) and 303(e) of the Clean Water Act –Murphy

Dr. Murphy reported this is an opportunity that came up about three weeks ago. If you recall, we requested permission of the Board to submit an application for a watershed management plan. This water quality management plan is slightly different in that it is more specifically targeted. This plan will take us a step closer in the management and protection of Ute Reservoir. The ENMWUA further directed the project team to apply for this grant. There is an estimated amount of \$40,000 dollars available under this program.

c. Phase I Construction Update – Alan Ortega

Mr. Ortega reported as far as the construction, we have not started construction. As you're aware, we do have a contract. We've done a few minor things administratively; we've set up biweekly telephone conferences to discuss things pertaining to processing. We have a couple RFI's they may be looking at and a few submittals, but until the notice to proceed is issued

there's really not much we can do at this time. Most of it right now is getting to know each other and having a few discussions addressing the plans, questions that they have trying to address those types of issues.

d. Interim Groundwater Pipeline – Crockett, van Gulick

Paul reported it's been pretty busy on a number of other things this month. I have had a chance to start gathering up some data, I've been working with Kevin Powers to put together some needed financial numbers for the picture on the interim groundwater pipeline. This rolls into some other activities that we're already going to do. Since the last meeting, we elected to go ahead with the extra money that we do have to start the design of the pipeline in proximity to all the communities. This falls into that and we do have the funds secured from the Environment Department for this particular activity. A lot of the preliminary engineering that goes along with that design is going to be a part of this. Anyway, we've gotten started on it and there should be more to report next month.

e. Program Management – van Gulick

Paul reported we signed last time Water Trust Board 106, that extension that was completed and done. Those moneys have been expended, so that's a done deal. As I mentioned, our capital outlay from this year has been approved and signed and is in place, so we can start submitting invoices against that which we're ready to do. This next year's Water Trust Board 244, all readiness to proceed items are submitted. Essentially, I think we're now waiting for the state to move ahead to complete the sale of the severance tax bonds and other things that they need to do. We've done our part, so we're good there. Any questions on that?

I. Meetings Report – van Gulick, Koontz

WTB 8/16, Interim WNRC 8/27, WRRI 8/28, Water Law Conf. 9/10&11

Paul reported there were actually a lot of meetings during this last month. There was the Water Trust Board meeting during which that was discussed about the status of the Water Trust Board recommendations for this year. Nothing was concluded at that meeting last month, but Clay went to one this morning and I have no idea what they came up with. Anyway, there was a little consternation at the last meeting with some action they thought they had taken didn't have the intended effect, so they needed to do a little bit more in order to get the Water Trust Board grants going. Clay reported I can give a report on this morning's meeting. It's already time for the next cycle, the FY 2013 legislative application process will be opening up on October 1st and it will be concluding on November 2nd, so I'd like your direction on getting Occam to go ahead and submit an application on your behalf for next year. We didn't get anything on the agenda for this meeting, but we need to come back to you formally for a resolution, probably at the October meeting. Applications are open, they'll be submitted by November and then it'll be after the Legislature before they make a determination, probably May sometime. A motion was made by the Authority directing Occam to prepare and submit an application for 2013 Legislative cycle. Motion carried by acclamation. Paul reported there was the Interim Water and Natural Resources Committee meeting. There weren't any issues of direct interest to us. When Joe mentioned earlier that there are other groups within the state now, looking to us to try and emulate what we've done. This WNRC is one of the venues where that kind of thing happens and that kind of discussion takes place. There will be another meeting in Ruidoso on October 15th or 16th I think. It's an open meeting, I'll be there and I invite anyone to go. There was the

Water Resources Research Institute meeting on August 28th in Las Cruces, a number of you were there. At one point, Denise Fort was up and talking about some aspects of our project and Gayla went up to talk to her and we were all taking bets on what was going to happen next. One of the things that was really pertinent to our project is there was a lot of discussion about drought, the effects of drought. One thing that everybody agrees on is with the future climate change that we're anticipating, we don't actually know what it is. There's going to be increased unpredictability, uncertainty and variability, but there are some things that people I think are confident in speculating about at least. In our state, monsoons could remain stable and snow pack is expected to decrease. These kinds of things end up limiting recharge to the aquifer. On the other hand, if you happen to have a reservoir handy, that's going to be a pretty good thing. Eluid Martinez, Tom Turney, John D' Antonio, Michael Connor was there, all of these folks spoke at critical points strongly in favor of our project. Finally, there was a water law conference in Santa Fe. I think that concludes it.

J. ISC Report – van Gulick

Paul reported there was a little bit of rain in September. In the event the ISC does start presenting reports, we'll defer to them but meanwhile, you can expect in future months to see essentially this. The water level has been declining, you can see inflow to the reservoir had a couple of inches during last month. You can see those reflected on the graph there. Generally, we haven't really seen anything significant yet. During September so far, there's been about a half an inch of rain at the lake. That concludes the ISC report.

AGENDA ITEM NO. 6 – FUTURE AGENDA ITEMS

Chairwoman Brumfield

The Water Authority elected to conduct the next meeting in Portales on Thursday, October 18, 2012 at 10:00 am.

AGENDA ITEM NO. 7 – PUBLIC INPUT

Audience

Chair Brumfield welcomed everyone to the meeting, including Scott Verhines the State Engineer who was in attendance. Scott stated I might just add a couple things. Paul mentioned the Interim Water and Natural Resources Committee. You might think about getting on their agenda. I think they have two more meetings before the Legislature. That's a big committee, I know most of you have been in front of that committee. It's probably a third or more of the Legislature, being able to update them going into the session on what's going on with the project is probably not a bad idea. John is now staffing that committee. The other one you might consider, Paul was talking about the drought. We had a drought task force meeting last Thursday in Santa Fe and what happens is Ed Palasko with the National Weather Service and Dr. Dubois from New Mexico State is a state climatologist. They come in and present to us where New Mexico sits currently and what the projections are for the next few months. It is really informative and they talk about where they think the state is going to go. It's interesting just showing you the variability of New Mexico's water these days. The 2006 monsoon was one of the wettest we've had, it wasn't all that long ago, six years ago. The last twenty-four months have been the driest on record in New Mexico. Paul's point about storage being important in the system is a valid one. No lack of water issues around the state right now. The Pecos basin probably is hit the hardest of all of them. I remember talking to John D' Antonio eighteen months ago and he said as bad as the monsoon we're in 2011, I'm worried about next year

because the reservoirs won't be able to recover and we're looking at a similar sort of instance for next year. I'd encourage you maybe to consider attending one or both, maybe get on the agenda.

AGENDA ITEM NO. 8 – FOR THE GOOD OF THE ORDER

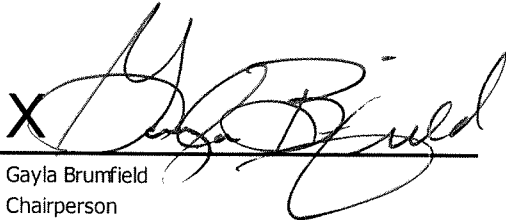
Chairwoman Brumfield

Members and audience invited to attend social gathering at Sandia Casino.

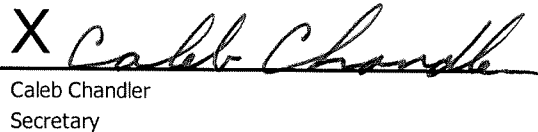
AGENDA ITEM NO. 9 – ADJOURNMENT

Chairwoman Brumfield

There being no further business to discuss the meeting was adjourned @ 4:45 pm.

X 

Gayla Brumfield
Chairperson

X 

Caleb Chandler
Secretary