ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY

WEDNESDAY, JANUARY 25, 2012, 4:09 P.M.

ALBUQUERQUE/BERNALILLO COUNTY GOVERNMENT CENTER
ONE CIVIC PLAZA, NW
ALBUQUERQUE, NEW MEXICO 87102

Before: Paul Baca
PAUL BACA PROFESSIONAL COURT REPORTERS
500 Fourth Street, NW, Suite 105
Albuquerque, New Mexico 87102

APPEARANCES

COUNCILLOR KEN SANCHEZ, Chair
COMMISSIONER WAYNE JOHNSON, Vice Chair
COMMISSIONER ART DE LA CRUZ, Member
COUNCILLOR TRUDY E. JONES, Member
COMMISSIONER MAGGIE HART STEBBINS, Member
MAYOR RICHARD J. BERRY (Excused)
COUNCILLOR REY GARDUNO, Member
TRUSTEE PABLO RAEL, Ex-Officio Member
MARK SANCHEZ, Executive Director
ROB PERRY, Administrative Officer, Alternate Member
CHAIRMAN DE LA CRUZ: I call the January 25th, 2012 meeting of the Albuquerque Bernalillo County Water Utility Authority to order. Let the record reflect that members present are Maggie Hart Stebbins -- everyone is present except Rey Garduno.

First order of business is we're going to have a Pledge of Allegiance, which will be led by Commissioner Johnson. I'm sorry. We will do a silent invocation first, a moment of silence, and then we will follow it with the Pledge of Allegiance by Commissioner Johnson. Thank you.

(Whereupon, there was a moment of silence.)

(Whereupon, the Pledge of Allegiance was led by Commissioner Wayne Johnson.)

CHAIRMAN DE LA CRUZ: Thank you, Commissioner.

First order of business is election of officers. We will be electing a chair and a vice chair. At this time I will entertain nominations for Chair. And I will begin by nominating Councillor Ken Sanchez.

MR. PERRY: Second.

CHAIRMAN DE LA CRUZ: Nominations closed.

All those in favor, say aye.

ALL MEMBERS: Aye.

CHAIRMAN DE LA CRUZ: Opposed?
Motion carries unanimously.

Congratulations.

CHAIRMAN SANCHEZ: Thank you.

(7-0 vote. Commissioner Sanchez approved as chairman.)

CHAIRMAN SANCHEZ: Thank you, Commissioner De La Cruz. The next item on the agenda will be the nomination for vice president or vice chairman of this board. Are there any nomination?

COUNCILLOR JONES: Thank you. I'd like to nominate Commissioner Wayne Johnson.

COMMISSIONER DE LA CRUZ: Second.

COUNCILLOR SANCHEZ: We have a motion and a second. Do we have any other nominations?

Seeing none, do I hear a motion -- we've got a motion and a second.

All those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN JONES: Opposed, no?

Commissioner, congratulations.

(7-0 vote. Commissioner Johnson approved as vice chair.)

CHAIRMAN SANCHEZ: I think we've got a couple of awards to give this evening. We've got an award for the former chairman, Commissioner Art De La Cruz.
Thank you for all of your work this past year serving as a chairman of the water utility authority. You've done an excellent job and we must continue the work of this water authority. And I know you're going to be serving with me on this board, and thank you for all your hard work. Appreciate all your time and effort.

COMMISSIONER DE LA CRUZ: Thank you, Councillor, Mr. Chairman. I just want to briefly say that it was a pleasurable year. We have a wonderful, professional staff. And the reality is, whether you're serving on city council or as a county commissioner or a chair in this capacity or a vice chair, you can't do a darn thing without great staff. And I am just absolutely proud of the staff of the water authority and I was deeply appreciative of having served in that capacity, Mr. Chair. Thank you.

CHAIRMAN SANCHEZ: Thank you, Commissioner. And we also have an award for a former chairman and now the vice chairman, Councillor Trudy Jones.

Again, Councillor, thank you for all your work. She's currently also serving as the president of the Albuquerque City Council. We appreciate all or time and effort on the water authority committee.

COUNCILLOR JONES: Thank you, Mr. Chair. And
thank you all. Again, this staff is wonderful and makes this job much easier and flow very easily.

Thank you all.

CHAIRMAN SANCHEZ: Thank you, Council President Jones.

The next item on the agenda is proclamations and awards. The first item is Item 8, quarterly employee awards. And the first award is a $200 award; it's tax deductible. And we'd like Floyd Bachicha, Douglas Chavier is not here, and Oswaldo Palanco is here this evening. Would you please come forward and receive your $200 award this evening.

And these individuals rewired the effluent valves and turbidity meters in the filter buildings. The work was difficult because many of the wire runs were long and a lot of effort was needed to pull the wire. The filters now operate more reliably and have a fail-safe operation. The work performed could easily have been performed by a contractor, but was performed internally and saved the water authority a great deal of money.

Gentleman, thank you for all of your work.

Appreciate it.

The next award goes to Lisa Carreon.

Welcome, Lisa.
This is a $150 award. And Lisa is always assisting with every aspect of office administration. She schedules and coordinates and schedules the blood drives, United Way events, holiday events and potlucks. Lisa was instrumental in finalizing the senior office assistant career track. Again, that's for $150.

Thanks for all your work, Lisa.

MS. CARREON: Thank you.

CHAIRMAN SANCHEZ: The next recipient is Carlos Maestas. He will be receiving a $500 taxable bonus. Would you please come to the podium, Carlos Maestas.

Is he here this evening?

Carlos is the automatic meter reader coordinator and the project manager. Along with his many duties, he is required to perform maintenance on the meters and the radio reading devices. The devices cost $65 each and approximately 65 to 100 are replaced on any given month. Carlos recycled and repaired 70 devices last month and old meters that were being replaced. Carlos has saved the WUA at least $4500 by recycling. He is dedicated and is a dependable employee.

Thank you, Carlos.
The next recipients, these recipients aren't here. Joseph Barreros is receiving $225. Dean Brush will be receiving $225. Warren Fox will be receiving $225. And I believe we have Robert Lucero here this evening. He will also be receiving a bonus of $225.

And Robert has been doing preventative maintenance and calibrations of the water reclamation plant atmosphere gas, detection transmitter and documentation. He has been instrumental in taking ownership of the odor control scrubber system for collaborations and repair of instruments. Robert's CDL license is used extensively by the water utility authority personnel to drive and operate the crane truck and the pumper truck for various jobs.

Robert, thank you for all your work.

There will be also with a $225 award for Rudy Apodaca, Michael Garcia, Isidro Padilla, Jared Ray and Jeffrey Riley. Those individuals are not here this evening.

The next awards will be going to Mark Kelly, Alex Lovato is not here this evening, Michael McKinstry, Andrew Padilla. And Michael Richardson is not here this evening. If you want to come forward. This group of employees was asked to assume responsibility for the collection of twice daily,
seven day per week monitoring samples at the Southwest Water Reclamation Plant to comply with the requirements of the national pollutant discharge elimination system permit of the plant. Mark Kelly took charge of the project. Protocol was developed. Team members accepted changes in work hours and on workdays, and all volunteered to work holidays to complete the necessary tasks.

Gentlemen, thanks for all your work.

And the last two recipient awards go to Steve Gomez and David Gutierrez, and they are both here this evening. They will be receiving $50 each. Steven and David are interns who work with the monitoring and collection crews and have been part of the team.

Gentlemen, thanks for all your work.

Okay. Let's go ahead and go back to Item 3, the approval of the minutes. I'd like to make a motion to approve the November 17, 2011 minutes.

COMMISSIONER DE LA CRUZ: Second.
CHAIRMAN SANCHEZ: We have a motion and a second. Any questions. Seeing none, all of those in favor, signify by saying yes.

ALL MEMBERS: Yes.
CHAIRMAN SANCHEZ: Opposed, no?
That carries unanimously.

(7-0 vote. Agenda Item 3 approved.)

CHAIRMAN SANCHEZ: Okay. Let's go back to pretreatment awards. The award will be presented to Kirtland Air Force Base. And I believe we have Colonel Donald Conley, the 377th mission support group commander. He is present here to receive this award.

Welcome, sir. If you'd like to say a few words. And I will go ahead and read.

COLONEL CONLEY: Hi, I'm Colonel Donald Conley. Mr. Chair, Members of the Board, on behalf of Colonel John C. Kubinec, installation commander of Kirtland Air Force Base, I would just like to thank you very much for this tremendous award, for your recognition of Kirtland Air Force Base's efforts to properly quantify our discharge, our wastewater discharge, and also our extensive pollution prevention efforts in an effort to keep our effluent in accordance with standards.

So, again, thank you very much for this tremendous honor. And I'd just like to recognize Chris Segura, our wastewater discharge manager, for the work he has done in this effort. So thank you so much.

CHAIRMAN SANCHEZ: Thank you.
Okay. The next award will be the Community Dental Award, and that will go to Cathy Moya. She is here to receive that award this evening.

Welcome, Cathy. Go ahead and proceed and say a few words. Thank you.

MS. MOYA: Thank you very much. I'd like to accept this on behalf of our staff. They've worked tremendously hard. Community Dental has three clinics in Albuquerque, and we record annually over 32,000 patient visits. So we are doing the best we can to make sure that we are in compliance with all of the rules and regulations. So thank you. It's a great honor.

CHAIRMAN SANCHEZ: Thank you. Appreciate it.

We are now under public comments.

Mr. Jenkins, how many individuals do we have signed up to speak this evening?

MS. JENKINS: We have three.

CHAIRMAN SANCHEZ: We will allow two minutes for each individual to speak. The bell will ring at one and a half minutes, and your time will expire at two minutes.

Did you want to go ahead and announce the first speaker.

MS. JENKINS: Robert Eller, followed by Terry
CHAIRMAN SANCHEZ: And once your name has been called, we have seating up in the front, be prepared to speak once your name has been called.

Thank you. Welcome.

MR. ELLER: Thank you. Honorable Board Members, it's kind of pleasant to see all the awards given out. Many of them given to employees for saving us, the ratepayers, money. But nevertheless, I still am here to present the argument, in this humble opinion, that Albuquerque water rates have become predatory.

We have poor and elderly in this city that hesitate or don't flush their toilets after every usage with the idea that they're making a diligent conservation effort and that maybe their water bills will go down. They are unpleasantly surprised when those water bills don't go down.

So in spite of all these wonderful awards and all this kind of stuff, I still have the argument that the water utility authority is making -- is not making a commensurate diligent effort to contain costs and -- to contain costs.

You know, I mean, we got all this kind of stuff of hundreds of millions of dollars go for diverting San Juan water into our system, and then we
get this idea that okay, that water is prioritized for
the fish. And now we're looking at the expense of
hundreds of millions of dollars for a new sewer
treatment plant, and we wonder about the absolute
necessity of that. And/or, is this just the case of
an unregulated utility looking at its rate base, its
rate payer base as harvestable and saying money is no
object?

Well, in this economy, money is an object
unless maybe you surround yourself with government
employees and can say, "I'm doing okay." But those
are the guys that don't got to worry about flushing
their toilet every usage. Anyway, thanks for your
attention.

CHAIRMAN SANCHEZ: Thank you.

MS. JENKINS: Terry Bruner, followed by
Geraldine Amato.

MR. BRUNER: Mr. Chairman, I'm Terry Bruner.
I'm the state director for rural development at the
U.S. Department of Agricultural. I came today to talk
about the water situation in Carnuel.

As you all know, this body passed a
memorial, sent a press release and a letter to the
delegation back in November in which they allege that
the USDA is throwing up artificial roadblocks and has
not supported or assisted the Carnuel Mutual Domestic
water system in obtaining funds.

I wanted to come today to just offer our
side of the story because I'm not sure if this body
has heard it. We at USDA worked from a staff member
at the lowest level in our Albuquerque office up to
our undersecretary to try to figure out the Carnuel
water system. We've provided funds, $1.3 million in
the past, and we right now have a loan of $2.2 million
on the table available to you at a low interest rate,
if you choose to pursue it. And so I think the
accusations that somehow we're not helping out Carnuel
are not accurate.

I know that this organization has debt
service reserves of 527 million, 16 million in cash
reserves, and a $12 million credit line with the New
Mexico Finance Authority. And so I think the
resources are there to Carnuel. I think we can all
get together and work this out.

In December, I convened a meeting of Carnuel
residents, the body here, and then some other folks to
talk about how to make a path forward, and I thought
we made some good progress. But I want to make you
aware that since then, in communications from your
staff to the press and to our agency, it seems that
again accusations are flying that somehow we're not
doing our job.

And so what I wanted to offer was a chance
for any of you individually to talk to me, or the body
as a whole, to talk to me so that we can share our
side of the story and clear up any misunderstanding
about how we're approaching the Carnuel system. I
don't think that the disagreements between our bodies
help at all in resolving their issue, which is of the
greatest importance to all of us, I know. Thank you.

CHAIRMAN SANCHEZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Mr. Bruner.

And thank you for coming here this evening. I will be
in touch with you and we'll sit down and do a little
talking. Carnuel is in my commission district and I
have, as you know, quite a bit of concern about how
things have gone and getting the straight scoop. But
most of all, we need to keep, as far as our focus, on
Carnuel getting those residents clean drinking water,
which is the problem in Carnuel, and finding, even if
we have to innovate, a way to make sure that we can
provide that for those residents.

MR. BRUNER: I appreciate that. Thank you.

CHAIRMAN SANCHEZ: Commissioner De La Cruz.

COMMISSIONER DE LA CRUZ: Thank you, Mr.
Chairman.

Mr. Bruner, I just want to first thank you for your work. I am familiar with much of the work that you do and that your agency does. It's absolutely necessary, important and appreciated work. And so I apologize if there's been any misunderstandings. It's just that Carnuel is important to us. We know that people desperately need the water there, and of course other associated areas in Commissioner Johnson's district. So I look forward to having discussions as well.

Staff, if we could do that, Mr. Chairman.

Again, thank you.

MR. BRUNER: Thank you.

CHAIRMAN SANCHEZ: Thank you, Mr. Bruner.

Next speaker.

MS. JENKINS: Geraldine Amato.

MS. AMATO: Good evening. Despite the fact that we give commendation, recognition and awards, the impending potential for disaster in both the quantity and the quality of the water supply for the population in this area is ominous. And federal agencies which the local governments have been taught to depend upon for investigations, studies and oversight are being cut back seriously.
The good people within the federal bureaucracy have been hamstrung with cutbacks. Inspectors in the field have been severely limited in their ability because of their numbers now of really checking out everything that we think they are taking care of. So unless the good people of this area realize the limitations we're working under and begin to take some action for themselves to determine what is happening with the water supply, we will come to a situation in this area it is questionable whether the quality and the quantity of the water will support human habitation.

We think that we can just blindly go along with the projects that are imposed upon us. This was once a fertile valley. Today it is concreted over and asphalted over. The water has been overloaded with all kinds of contaminants and toxins, many of which are not even considered in the studies that are done in the water system.

For example, let me give you one. Recently I've noticed over the last two years people throw some industrial toxic perfume in some product they buy in their clothes dryers, and this stuff gets on their clothing, it pollutes the air, and I know it winds up in the water. So you cannot counter corporate
activity with the limited authority that this water
authority has. There has to be a more radical --

CHAIRMAN SANCHEZ: Thank you, Ms. Amato. Your
time is up.

MS. AMATO: I notice how the -- you know, what's
the word I'm looking for?

CHAIRMAN SANCHEZ: Thank you, Ms. Amato.

MS. AMATO: You want to turn off the microphone,
Mr. Sanchez? You know, you can go around and around
with stupid stuff. When the public comes up here,
you're quick to cut them off.

CHAIRMAN SANCHEZ: The next item on the
agenda --

MS. AMATO: Any questions?

CHAIRMAN SANCHEZ: -- is Item 6, the
announcements and communications, and due to the
Presidents holiday and a conflict with the City
Council meeting the next scheduled meeting is February
the 22nd of 2012 in the Vincent E. Griego Chambers at
4:00 p.m.

There are no introductions for first
readings. The next item on the agenda is the approval
of the consent agenda.

Do I hear a motion?

COMMISSIONER DE LA CRUZ: So moved.
CHAIRMAN SANCHEZ: We have a motion by Commissioner De La Cruz.

COUNCILLOR GARDUNO: Second.

CHAIRMAN SANCHEZ: And a second by -- Councillor Garduno? Yes, Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair. I would like to pull Item B, determining reasonable notice of public meeting of the water authority.

CHAIRMAN SANCHEZ: That was WUA R-12-2?

COUNCILLOR GARDUNO: That's correct.

CHAIRMAN SANCHEZ: Okay. We will remove that from the consent agenda.

We have a motion by Commissioner De La Cruz.

COUNCILLOR JONES: Second.

CHAIRMAN SANCHEZ: And a second by Councillor Jones.

All those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no?

That carries unanimously.

(7-0 vote. Agenda Item 8 approved.)

CHAIRMAN SANCHEZ: Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair. And maybe administration can answer this.

At one point in the resolution, it talks
about the meeting being -- let me see if can I find
the spot here where it talks about that it will
normally be available, the notice will normally be
available. And why we don't say "shall be available,"
I don't know. Do you see where I'm talking?

MR. SANCHEZ: Mr. Chair, Councillor Garduno, I
think historically the reason for that is we've
exceeded the requirement that the state has imposed,
and we could actually exceed the proposed revision to
the requirement that is pending before the legislature
at this time. Our notice provision has always been
five days, that there would be a five-day notice
provision, and that the agenda would be available
three days in advance.

And I think the term "normally" is to allow
for some unforeseen emergency with technology or
something of that nature. But I think 99.9 percent of
the time, we've always complied with that.

COUNCILLOR GARDUNO: I guess what I'm getting
at, Mr. Chair, is that I don't want to leave it open
so that "normally" then would become less than and it
could then turn out to be a day before, an hour
before. And I think that it's important for the
public to know that we are striving to be at least
five days or better, but not five days or less.
So how we can get that to be reflected in the legislation, I would like for us to think about.

MR. SANCHEZ: Mr. Chairman, if it's the desire of the board to have that as an absolute requirement, without any slippage, then the term would be "shall" as a substitute.

COUNCILLOR GARDUNO: I would propose an amendment that says "shall."

CHAIRMAN SANCHEZ: We have a motion on the floor. Do we have a second?

COMMISSIONER HART STEBBINS: Second.

CHAIRMAN SANCHEZ: We have a motion and a second by Commissioner Hart Stebbins.

All those in favor of the --

MR. PERRY: Mr. Chairman, I just have a couple of questions for Mr. Sanchez on the motion.

CHAIRMAN SANCHEZ: Mr. Perry.

MR. PERRY: Mr. Sanchez, what type of hardship or logistical difficulty would this pose?

MR. SANCHEZ: Mr. Chairman, Mr. Perry, generally none. However, for example, this last week, we were converting our e-mail system to Outlook 365 and we had enormous difficulties sending out information electronically. The information was sent, but sometimes it was not received. So a technology glitch
could be an issue. A notice glitch could be an issue in terms of posting it downstairs hard copy or something of that nature. But it's pretty extraordinary that that would occur.

MR. PERRY: And, Mr. Chairman, Mr. Sanchez, from what I understand, it's precatory in its current language in that it asks that it be done with the five days' notice when practical; is that correct?

MR. SANCHEZ: Correct.

MR. PERRY: Okay. And the proposal is to make it mandatory?

MR. SANCHEZ: Correct.

MR. PERRY: Are the situations that could develop where, because of some of these technological or other types of programs, it would delay the ability to have a meeting and that the delay of that meeting could, in turn, perhaps put certain policies or finances or other issues in jeopardy of being passed in a timely manner?

MR. SANCHEZ: It's possible.

MR. PERRY: Thank you, sir.

CHAIRMAN SANCHEZ: Commissioner Johnson, then Councillor Garduno.

COMMISSIONER JOHNSON: Thank you.

Mr. Sanchez, I believe that the state law is
1 72 hours. Am I correct in that?
2 MR. SANCHEZ: Mr. Chair, Commissioner Johnson, it's actually 24.
3 COMMISSIONER JOHNSON: Twenty-four hours?
4 MR. SANCHEZ: There's a proposal to increase that to 72 hours.
5 COMMISSIONER JOHNSON: And that is in the legislature now?
6 MR. SANCHEZ: Correct.
7 COUNCILLOR JONES: I believe we operate on a 72-hour minimum notice at the commission; 96 now. So that would be four days.
8 I think it would be prudent to put a not-less-than amount in there if we're going to go less than five days, simply for public notice. Otherwise, we probably should move a meeting. I can't imagine that there's legislation here that comes up that quickly or some sort of trigger that says under certain conditions, we can do it less than that. But certainly, we can't do it less than state law.
9 Thank you.
10 CHAIRMAN SANCHEZ: Councillor Garduno and then Commissioner Hart Stebbins.
11 COUNCILLOR GARDUNO: I yield to Commissioner Stebbins.
1  COMMISSIONER HART STEBBINS: Thank you,
2  Councillor.
3
4  My feeling on this, and it's been consistent
5  across, you know, the meetings that we attend at the
6  COG, the commission, is that it is really fair both to
7  the public and to the people who sit on this board
8  that we get the information with enough time to read
9  it and digest it. And I think 24 hours is certainly
10  not enough time. Seventy-two might be reasonable.
11  We, again, moved to 96 just because of the day on
12  which we hold our commission meetings.
13
14  But I would ask -- I don't know exactly how
15  many hours Councillor Garduno's proposal would be, but
16  I would certainly prefer nothing less than 72 hours.
17  Again, to give the board members here the opportunity
18  to make sure we understand it before we have to come
19  up here and vote.
20
21  So thank you, Mr. Chairman.
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23  CHAIRMAN SANCHEZ: Councillor Garduno.
24
25  COUNCILLOR GARDUNO: Thank you, Mr. Chair.
26
27  Thank you, Commissioners and Councillors.
28
29  This is not to make it onerous on the
30  administration. This is to make sure that the public
31  gets notice. And I would counter that I don't think
32  that e-mail is the only way to notify the public.
There could be postings, there could be and should be other kinds of publications that could go out so that people have that kind of time. I don't think we are married, although we've come to learn how to use e-mails the other conveniences with sort of the even social media, but I don't think that we should allow language that then would deny the public the ability to know when a meeting is going to be held.

I'm open to a number. I don't think it should be less than three days. But I think five days is sufficient and I can't imagine if the material is not available that there would have been some other reason, not the fact that e-mail is not operating correctly. And I would hope that the public would understand that we're trying very hard to communicate with them and not somehow making it sound like we may or may not stick to any deadline.

CHAIRMAN SANCHEZ: Mr. Sanchez.

MR. SANCHEZ: Mr. Chairman, just to clarify. If you look at the resolution, on Line 25, it does say: Regular notice shall be five days.

There is no uncertainty about the notice to the public. The term normally is used with regard to the agenda being available, three days. And I think that's what you're currently discussing, not the
actual five-day notice. Because there is no leeway in
the resolution on the notice. It's the availability
of the agenda.

COUNCILLOR GARDUNO: Right. And, Mr. Chair, if
I may.

CHAIRMAN SANCHEZ: Go ahead and proceed.

COUNCILLOR GARDUNO: And I think that's the rub
with the public, is that sometimes they don't get that
agenda. And if they don't, this would allow that
slippage to go down to 24 hours, if no other changes
were to happen. And I think that the public has the
right to know this information and have this
information on hand at least three days prior.

MR. SANCHEZ: And, Mr. Chairman, I think what
we're really talking about here is posting the agenda
on our website, essentially.

COUNCILLOR GARDUNO: And, Mr. Chair, I would say
that that's one of the ways that communication is
authored. And if there's any other way to do it, then
that would be preferable, too. But most people either
go to the website or some other -- I don't know what
other system you have for communication.

MR. SANCHEZ: Mr. Chair, Councillor Garduno,
traditionally, actually, most entities, the
requirement is to get a hard copy of the agenda and
post it in a public location. We have never adhered just to that. We have always posted on the website to make sure it's generally available to anyone interested in the proceedings before the board. And I think we, as I said, 99.9 percent of the time have always had it on the website, but as Mr. Perry asked, is there some possibility that something could occur, and the answer is yes, but not likely public.

COUNCILLOR GARDUNO: Mr. Chair, I would rather apologize to the public for that .1 percent that we weren't able to post the agenda than to have it occur and be immune to that -- you know, to the necessity.

CHAIRMAN SANCHEZ: Council President Jones.

COUNCILLOR JONES: Thank you, Mr. Chair.

Mr. Sanchez, Councillor Garduno made a point that we would have to apologize if we didn't get it done. Doesn't it go further than that. Do we not have to then -- if we don't meet our deadlines, do we have to postpone the meeting and set another date?

MR. SANCHEZ: Mr. Chairman, Councillor Jones, that's correct. If the term "shall" was inserted for the three days' availability of the agenda and for some reason we did not meet that, you could not convene the meeting until the three days' notice was complied with.
COUNCILLOR JONES: Mr. Chair.

CHAIRMAN SANCHEZ: Proceed.

COUNCILLOR JONES: Just one more question, Mr. Sanchez. And I think I've sat here a few times and watched this. Do we not have a very time sensitive issue sometimes such as bond sales and mostly bonding issues, as I understand, of things that have to go to the legislature?

MR. SANCHEZ: Mr. Chair, Councillor Jones, certainly there's situations like that.

COUNCILLOR JONES: Thank you, Mr. Sanchez.

CHAIRMAN SANCHEZ: Mr. Perry.

MR. PERRY: Mr. Chairman, just a couple quick points. First, I don't think I can support the motion in its current form. I wouldn't be opposed to a motion that said 72 hours, that the agenda would be available 72 hours. And I understand what Mr. Sanchez says about posting it where practical or as required by law. The current state of the law is 24 hours. As many members of this council know, that are also members of the city council, the city council is 24 hours, it comes out on Friday, 5 o'clock. The method of publication is actually -- it's available upstairs and down here. It's not even posted on the web.

And so I think that the water utility
authority has not had any historical problem with this. And I also appreciate what Councillor Garduno is saying as far as giving the public notice in advance; that makes sense. And I think that in most cases, 72 hours is sufficient. But in light of some uneventuality occurring that there's bond packages or other things that are timely, time sensitive, I think we have to give the discretion to the water utility authority to still have that meeting and take the administrative action as necessary in a timely manner.

So I can't support it in its current format, but I think I could support it if it was 72 hours where practical or as required by law.

CHAIRMAN SANCHEZ: Councillor Garduno, there's still a motion on the floor.

COUNCILLOR GARDUNO: I just wanted to respond to that. I don't think what I'm asking is onerous. I think what I'm asking is that the public be allowed to have the agenda, whether it's posted hard copy, on a bulletin board somewhere, or on the website, that it should be available.

What I'm fired of is that when you allow that kind of leeway, I think there is an attempt to -- or not an attempt, but there could be slippage in the response. The fact that it's not posted on the
website is not the only place that it can be made
public. It could be made public on a bulletin board,
but it should be. And if 72 hours is what this body
wants, fine. But I just don't want to have the
slippage of then allowing it to become two hours
beforehand.

CHAIRMAN SANCHEZ: Commissioner De La Cruz and
then Commissioner Johnson.

COMMISSIONER DE LA CRUZ: Thank you, Mr.
Chairman.

Mark, right now we're operating under what
time frame for making the agendas available.

MR. SANCHEZ: Three days.

COMMISSIONER DE LA CRUZ: And you're proposing
to reduce it to 24 hours?

MR. SANCHEZ: Mr. Chairman, Commissioner De La
Cruz, we're not proposing to reduce anything. This is
especially what has been approved in the past.

COMMISSIONER DE LA CRUZ: Where is 24 hours
coming from?

MR. SANCHEZ: It's the law.

COMMISSIONER DE LA CRUZ: Because if I'm not
clear, I can assure you that the public is probably
not clear of what we're talking about.

MR. SANCHEZ: Mr. Chairman, Commissioner De La
Cruz, currently state law is 24 hours' notice. We've always exceeded that. We've had five days for notice to the public, an advertisement in the newspaper indicating that you would convene a meeting, and three days in advance of the meeting, the agenda would normally be made available, but certainly available within 24 hours. We've posted it on our website and e-mailed documents out upon request.

COMMISSIONER DE LA CRUZ: Thank you.

CHAIRMAN SANCHEZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Mr. Chair.

I believe that we have provisions, and I'm sorry, my iPad is not working so I can't look this up, but I believe there's a provision for emergency meetings in the Open Meetings Act and in this resolution. Am I not correct?

MR. SANCHEZ: That's correct.

COMMISSIONER JOHNSON: As a practical matter, 72 hours in this case is really five days, because that would be the end of business on Friday before a Wednesday meeting for three days' notice, or it would end up on Sunday, until my math is really, really bad. So as a practical matter, we're pretty much tied into five days anyway, unless we're in an emergency situation. So I see what Mr. Perry's problems with
this are. There will be situations where this body may have to meet in emergency session, and those are already covered under this resolution.

I think that if we can do five days, I think it's important that those agenda items get out there as soon as possible. I do understand the difficulty in getting an agenda finalized five days before in certain circumstances. So I think we should have some leeway. Seventy-two hours seem generally a good amount; not less than. Some language it says something to the effect not less than 72 hours. And say normally five days, not less than 72 hours as language or an amendment to Mr. Garduno's motion.

CHAIRMAN SANCHEZ: Okay. We have a motion and a second on the floor for Amendment Number 1 to WUA R-12-2.

All those in favor, signify by saying yes.

COUNCILLOR GARDUNO: Yes.

COMMISSIONER HART STEBBINS: Can you clarify that we're voting on on the original five day.

CHAIRMAN SANCHEZ: Basically you have a motion on the floor to incorporate the language "shall" to the WUA R-12-2.

COUNCILLOR GARDUNO: That's correct. However I'm amenable to a friendly amendment by Mr. Perry that
says 72 hours where practicable. And if that's the case, and if that's an amendment that is offered, I would be fine with that.

CHAIRMAN SANCHEZ: Did you want to read that Mr. Perry?

MR. PERRY: Yes, sir, Mr. Chair. I would submit the friendly amendment as publication of the agenda 72 hours before the meeting where practical or as required by law.

COMMISSIONER JOHNSON: Second.

CHAIRMAN SANCHEZ: Okay. We have a motion and a second. Any questions?

Seeing none, all those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no?

That carries unanimously.

(7-0 vote. Amendment approved.)

CHAIRMAN SANCHEZ: Now we're back on the bill that was amended. So now if we could move WUA R-12-2 as amended.

COUNCILLOR GARDUNO: So moved.

All those in favor, signify by saying yes.

ALL MEMBERS: Aye.

COUNCILLOR JONES: Opposed, no?
That carries unanimously.

(7-0 vote. Agenda Item 8B approved.)

CHAIRMAN SANCHEZ: Next item on the agenda are approvals. The first item is A., WUA C-12-4 and that's the 2012 state legislative priorities.

Mr. Sanchez.

MR. SANCHEZ: Mr. Chairman, Members, there are two projects that we would recommend. One is the Carnuel project, which is not a new project. And this is simply a request to the water trust board. It's not a capital improvements request to the general legislature, but it's just indicating that it is a priority for the water authority to continue working with Carnuel. We would be asking for about $222,000 for design money.

Traditionally, the water trust board, once they fund a project, they tend to see it through incrementally over time, so we're optimistic we'll obtain this funding.

The second project is to begin something called the bosque nonpotable reuse project, which would be on the west side and make reuse water available overtime to parks and open spaces, and potentially allow for discharge into the river and allow for some environmental mitigation to stretch the
river that's traditionally dryer than the rest. That would be a capital outlay request in the amount of $750,000.

I'd stand for any questions.

CHAIRMAN SANCHEZ: Commissioner De La Cruz.

COMMISSIONER DE LA CRUZ: Thank you, Mr. Chair.

I'd like to move approval of WUA C-12-4.

CHAIRMAN SANCHEZ: We have a motion.

And a second?

COMMISSIONER JOHNSON: Second.

CHAIRMAN SANCHEZ: Any questions?

Seeing none, all those in favor, signify by saying yes.

ALL MEMBERS: Yes.

COUNCILLOR JONES: Opposed, no.

That carries on a 6 to 0 vote.

(6-0 vote. Agenda Item 9A approved.)

CHAIRMAN SANCHEZ: Our next item is Item B, WUA C-12-5. That is the 2012 federal legislative priorities.

MR. SANCHEZ: Mr. Chairman, Members, again most of these projects are not new. They're the same projects we continue to request federal assistance for. The first two, again, are the Bosque Reuse Project that I just mentioned as a state priority.
And the second is something called the Tijeras Reuse Project, which would be located along Mesa del Sol and Kirtland Air Force Base. We're working with Kirtland Air Force Base currently on siting some land where this facility might be located. Again, both these projects are probably a decade away. But unless we start today, they'll never be realized. So this funding request would simply be to match under what's called Title 16, where we get a 25 percent federal match for the project expenses. And we're requesting that delegation attempt to get us an authorization.

Under Title 16, there's a $20 million cap, and we will be realizing our cap with the completion of the South Side Reuse Project. So we will need a new $20 million authorization, and hopefully our delegation can find a way to make that happen. The other projects are supporting the county's efforts for the Valley Utilities Project and continuing to work with Mr. Bruner and his office for the Carnuel project in terms of construction funding.

And then there's couple of status reports in terms of just continuing to support the Endanger Species Collaborative Program and continuing to request that we be allowed to store native water in
addition to surface water at Abiquiu Reservoir.

I'd stand for any questions?

CHAIRMAN SANCHEZ: Are there any questions?

Councillor Garduno.

COUNCILLOR GARDUNO: Thank you, Mr. Chair.

Mr. Sanchez, what kind of conversations have we had with the federal delegation?

MR. SANCHEZ: Mr. Chairman, Councillor Garduno, we have had conversations with Senator Bingham's staff about the need for a new authorization. We have communicated this to the rest of the delegation. Unfortunately, not much is getting done in Congress this last year. And the jury's out on whether much will get done over this next session of Congress.

But we have to keep pressing forward and make sure our delegation at least understands what's at stake for us in terms of these projects.

COUNCILLOR GARDUNO: Mr. Chair, it sounds like the federal government is taking a little longer than 72 hours to get things done.

How dire is this? I mean --

MR. SANCHEZ: Mr. Chair, Councillor Garduno, each of these reuse projects, depending on the scale that they're built, I mean, let's just assume they would cost a hundred million dollars, we're talking
about $25 million of that hundred million that would be matched by the federal government.

COUNCILLOR GARDUNO: So we couldn't go forward with the project?

MR. SANCHEZ: Well, we could not are rely on match to go forward. So we would have to some up with 100 cents on the dollar of our own money as opposed to having a match.

COUNCILLOR GARDUNO: That's a fourth. That a tremendous amount of --

MR. SANCHEZ: Correct.

COUNCILLOR GARDUNO: -- loss if you will.

Well, I don't know that we can do anything here, but certainly, I'd like to impress on the federal government to get off the dime, I guess. I don't know -- I'm sure they're listening to this right now. So anyway, whatever we can do.

Thank you, Mr. Sanchez.

Thank you, Mr. Chair.

CHAIRMAN SANCHEZ: Commissioner De La Cruz.

COMMISSIONER DE LA CRUZ: Thank you, Mr. Chair.

Last here I had occasion to be in Washington, not relating to this work here or to the county commission, it was other private business, but I took the opportunity to have our lobbyist schedule
time with the federal delegation both at the Congress and at the Senate. Mr. Sanchez prepared and had a nice packet for me to be able to present to them.

At least on that level, for sure, there was discussion with our congressmen and senators. And so I don't know if every one of those were in there, I don't recollect, but I think most of them were, Mr. Sanchez.

MR. SANCHEZ: Yes.

COMMISSIONER DE LA CRUZ: So there's multiple ways that we've tried to make sure that our federal delegation has the information and is aware of how important it is. And I can tell you that some of these, include Carnuel, were in there.

Thank you, Mr. Chair.

CHAIRMAN SANCHEZ: Thank you.

COUNCILLOR GARDUNO: If I could just reflect also on the rest of the information that we have on this request. It talks about North and South Valley water and wastewater treatment, and that's also got to be in, I'm sure, Commissioner De La Crus and everyone else here has heard in the past how important those projects are. And fort those not to occur or not to be supported would be a shame. And as Commissioner De
La Cruz says, Carnuel water system is also part of the ask.

And do we have to rely on that, or is this what we would hope to have but we haven't covered?

MR. SANCHEZ: Mr. Chair, Councillor Garduno, with regard valley utilities, that has been a partnership between the county, state, federal government and the water authority, and I think we've invested well over $100 million in that project. And there remains about $25 million additional to complete the water side of it, and about 44 million to complete the wastewater side of it.

With regard to Carnuel, that is probably a decade long project. That's going to take time to assemble the funds. Mr. Bruner was here earlier. The mutual domestic that we have been asked to be the fiscal agent basically lost $2 million of rural development funding, and we're trying to renegotiate that package so that the projects can continue moving along.

The impasse between us and rural development has been that they no longer feel like they can make it a grant loan package, but want to make it a loan package entirely. And water authority policies are that we don't subsidize growth and we have a no-net
expense policy. And our bond covenants would not allow us to do that as well. So there's no way the Carnuel project can borrow $2 million and expect to refire a fraction of that with connections. So that's the dilemma with rural development. And hopefully we can keep working at it, find some creative solutions. I think Mr. Bruner has expressed his desire within the regulatory framework he has to work within to try to make this work. And we are certainly willing to do that as well.

CHAIRMAN SANCHEZ: Thank you.

I will move WUA C-12-5, the 2012 federal legislative priorities.

COMMISSIONER JOHNSON: Second.

CHAIRMAN SANCHEZ: We have a motion, and a second by Commissioner Johnson. Any questions? Seeing none, all those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed?

That carries unanimously.

(7-0 vote. Agenda Item 9B approved.)

CHAIRMAN SANCHEZ: Our next item is Item C, WUA C-12-6, requesting approval of supplemental agreements, with Sensus for continued implementation
of the advance meter infrastructure system.

Mr. Sanchez.

MR. SANCHEZ: Mr. Chairman, Members, some time ago the board authorized us proceeding down the path of converting all of our meters, which were currently manually read, to the AMI system, which basically requires nothing more than constructing towers, having a radio frequency transmit every customer's usage and it being downloaded. And we have already begun this project. Phase I was 1.9 million. We converted about 860 large commercial meters. And Phase II would be to take this to 40,000 residential customers, and it would cost about 5.3 million.

Over time, we expect to have all 200,000 customers on the automated system. That will take some time. Again, Phase II would connect about 40,000 residential customers, primarily on the west side. And what we're talking about is basically not replacing a meter on those units but basically an electronic register which would transmit the data to our billing system. And the advantage to customers is they would know on an hourly basis their consumption, whether they had a leak, if they wanted to monitor their usage in that way.

So the original RFP that went out
contemplated phases, and the contract we enter into with Sensus contemplated additional phases, so this simply seeking your authorization to go to Phase II.

There are representatives of the company here if you have any more detailed questions about how it works or how it might be configurated logistically.

CHAIRMAN SANCHEZ: Commissioner De La Cruz.

COMMISSIONER DE LA CRUZ: Thank you, Mr. Chairman. I move approval.

CHAIRMAN SANCHEZ: We have a motion and a second.

Councillor Garduno.

COUNCILLOR GARDUNO: Mr. Sanchez, they can't tell when you take a shower, can they.

MR. SANCHEZ: In terms of your consumption, they probably can.

COUNCILLOR GARDUNO: I'm reading the contract, and under insurance and bonds required, it says: Bonds required not applicable.

Am I reading that correctly?

MR. SANCHEZ: Mr. Kolberg might be the better one to respond to that.

COUNCILLOR GARDUNO: It's on page -- oh, there's no page number. It's first page, under --

MR. KOLBERG: The first page of which document?
COUNCILLOR GARDUNO: Well, let's see. What are we looking at?

MR. SANCHEZ: The contract.

COUNCILLOR GARDUNO: C-12-6.

MR. KOLBERG: I believe you're referring to --

COUNCILLOR GARDUNO: It's supplement to add to the scope of services, time and money, advanced meter infrastructure system under, and then, you know, the nomenclature.

MR. KOLBERG: I'm sorry, Councillor Garduno. I'm not sure where you're reading from.

COUNCILLOR GARDUNO: If you open up --

MR. KOLBERG: Yeah, I'm in paper, the old school.

COUNCILLOR GARDUNO: How am I going to guide you to this.

MR. KOLBERG: You're in exhibit -- are you in one of the exhibits or the actual contract?

COUNCILLOR GARDUNO: The actual contract.

MR. KOLBERG: Which is -- it says "first supplemental agreement" at the top of the page.

COUNCILLOR GARDUNO: Right. And then down about halfway, mid page, it talks about insurance and bond required. And under bond required, it says, "Not applicable."
I wish I could guide you better than I'm doing.

MR. KOLBERG: You're looking at the supplemental. I don't see where it says bonds are not required. We use standard insurance requirements for commercial general, so they would have insurance. They also indemnify us. And those are standard provisions in all of our contracts.

Generally bonding is performance bonding, meaning that they would have to replace things that they broke in the process of installation. In this particular situation, there will be radio frequency transmitters installed in the meter boxes. That will be done by our own people. So I believe that's what you're looking at, but I can't be sure, because, as I said, I couldn't find it.

COUNCILLOR GARDUNO: Well, I just worry that we would have a company going to private and public areas to work on meters, and that they would be -- they would not have a bonding.

MR. KOLBERG: Well, bonding is different than insurance. They will be fully insured. The bonding would be of their personnel, and their personnel will not be doing the installation in our meter boxes.

COUNCILLOR GARDUNO: So we'll be doing that?
1       MR. KOLBERG:  Yes.
2       COUNCILLOR GARDUNO:  Is that why then we have --
3       MR. KOLBERG:  Yes.  I believe -- as I said, yes,
4       COUNCILLOR GARDUNO:  Okay.  One other question,
5       Mr. Chair, if I may.
6       CHAIRMAN SANCHEZ:  Go ahead and proceed.
7       COUNCILLOR GARDUNO:  This is Phase II?
8       MR. KOLBERG:  Yes, sir.
9       COUNCILLOR GARDUNO:  Which will take us to how
10      many households or how many meters.
11      MR. KOLBERG:  40,000.
12      COUNCILLOR GARDUNO:  And we have 200,000?
13      MR. SANCHEZ:  That's correct.
14      COUNCILLOR GARDUNO:  So we would have X phases?
15      MR. SANCHEZ:  That is correct.
16      COUNCILLOR GARDUNO:  Because $2 million, is that
17      what it is?  No, it's five million.
18      MR. SANCHEZ:  That's correct.
19      COUNCILLOR GARDUNO:  Per 40,000.
20      MR. SANCHEZ:  For this next 40,000, that's
21      correct.
22      COUNCILLOR GARDUNO:  And would be, we assume,
23      just an extrapolation of five million for the next
24      number of phases that we would need.
MR. SANCHEZ: Mr. Chairman, Councillor Garduno, not exactly. And reason for that is, an additional 60,000 meters that are already in the ground are compatible with the register that would be mounded on that meter to be part of this system. So about 100,000 meters would need to be converted in addition to the registers for future phases. So the cost will go out.

COUNCILLOR GARDUNO: So it could be as much as 13 million for the next 100,000 meters?

MR. SANCHEZ: That's possible, sure.

COUNCILLOR GARDUNO: Seems like a lot, but I don't know how to do it, so I can't even bid. And this was also not a bid situation? This was an extension of the contract?

MR. SANCHEZ: Mr. Chairman, Councillor Garduno, it was a bid originally. There was an RFP. It was a competitive process. Sensus was the vendor selected, and the RFP envisioned multiple phases as well as the contract.

COUNCILLOR GARDUNO: And going forward, Mr. Chair, there won't be any RFPs going on?

MR. SANCHEZ: That's correct. And the reason for that is you would not want to have multiple vendors and different technologies implemented over
It's important to have some consistency. In our view, we selected the best vendor in terms of the reputation. We visited other utilities that were using this product, as well as others, and that's reason they were selected. The again, they are here, if you'd like to ask them questions.

COUNCILLOR GARDUNO: I don't have a question for them. I just wonder how we could commit 23 million over six phases, but --

MR. SANCHEZ: Mr. Chairman, Councillor Garduno, if you recall some time ago, in the rate ordinance we have actually earmarked $2 million that would be contributed each cycle towards this project.

COUNCILLOR GARDUNO: Right. But that's shy of $5 million.

MR. SANCHEZ: We've already assembled $10 million. The funding is in place for Phase II; this is not a funding request. But for future phases, we are putting that money in the bank, if you will, to make sure we can carry this project out. Because it would make no sense to start this project and not see it through all the way.

COUNCILLOR GARDUNO: Thank you, Mr. Chair.

CHAIRMAN SANCHEZ: Trustee Rael.

TRUSTEE RAEL: I got my question answered, so
thank you.

CHAIRMAN SANCHEZ: Okay. Thank you. We have a motion and a second on the floor to adopt WUA C-12-6.

All those in favor, signify by saying yes.

ALL MEMBERS: Yes.

CHAIRMAN SANCHEZ: Opposed, no?

That carries unanimously.

(7-0 vote. Agenda Item 9C approved.)

CHAIRMAN SANCHEZ: The next item is other business.

Mr. Sanchez.

If there's no other business before this authority, this meeting is adjourned.

(Proceedings concluded at 5:05 p.m.)
STATE OF NEW MEXICO
COUNTY OF BERNALILLO

REPORTER'S CERTIFICATE

I, Kelli Gallegos, New Mexico Provisional Reporter, No. P-409, working under the direct supervision of Paul Baca, NM CCR #112, do hereby certify that I reported the foregoing proceedings in stenographic shorthand and the pages are a true and correct transcript of those proceedings and were reduced to printed form under my direct supervision.

I FURTHER CERTIFY that I am neither employed by nor related to any of the parties or attorneys in this matter and that I have no interest in the final disposition of this matter.

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