

A large, stylized blue water drop graphic is centered on the page. It has a gradient from a darker blue at the top to a lighter blue at the bottom. The text is overlaid on this graphic.

Agenda

Water Authority

August 22, 2012



Albuquerque Bernalillo County Water Utility Authority

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Agenda

Councillor Ken Sanchez, Chair
Commissioner Wayne Johnson, Vice-Chair
Mayor Richard J. Berry
Commissioner Art De La Cruz
Councillor Rey Garduño
Commissioner Maggie Hart Stebbins
Councillor Trudy E. Jones
Trustee Pablo Rael, Ex Officio Member

Wednesday, August 22, 2012

5:00 PM

Vincent E. Griego Chambers

1. **CALL TO ORDER**
2. **INVOCATION/PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
4. **PROCLAMATIONS AND AWARDS**
 - A. Quarterly Employee Awards
5. **PUBLIC COMMENT**
6. **ANNOUNCEMENTS/COMMUNICATIONS**
 - A. Next Scheduled Meeting - September 19, 2012 at 5:00 pm
7. **INTRODUCTION (FIRST READING) OF LEGISLATION**
8. **CONSENT AGENDA (Any Board Member may request that a Consent Agenda item be placed under Approvals)**
 - A. **WUA C-12-14** Selection Advisory Committee Recommendation of Award Southside Water Reclamation Plant Solids Dewatering Facility Replacement - Project No. 4781.60
 - B. **WUA C-12-15** Selection Advisory Committee Recommendation of Award Southside Water Reclamation Plant Program Management - Project No. 5435.60
 - C. **WUA C-12-16** Approving Agreement with POD, Inc. for Technology Services
9. **APPROVALS**
 - A. **FS WUA R-12-13** Authorizing an Agreement with the Kirtland Air Force Base for Contingency Plan Coordination

- B. **WUA R-12-14** Protecting Albuquerque's Water Supply
- C. **WUA C-12-17** Approving Write-Off of Uncollectable Accounts Receivable Second Chance, LLC
- D. **WUA C-12-18** Appointment to the Customer Advisory Committee
- E. **WUA C-12-19** Reappointments to the Customer Advisory Committee
- F. **WUA C-12-20** Agreement with Bernalillo County for a Pilot Loan Program to Connect Residents to Available Water Services

10. OTHER BUSINESS

- A. Water Protection Advisory Board Presentation**
- B. 2012 Customer Opinion Survey Presentation**
- C. Water Conservation and Drought Status Update**

11. ADJOURNMENT

Visit Our Website at www.abcwua.org

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Authority Office as soon as possible before the meeting date at 768-2500 or by the TTY at 1-800-659-8331.

Meeting Date: August 22, 2012
Staff Contact: Judy Bentley, Human Resources Manager

TITLE: Quarterly Employee Awards Fourth Quarter FY 12

SUMMARY:

<u>NAME</u>	<u>AWARDED</u>	<u>RECAP</u>
Margi Ulibarri	250	Margi is the top Customer Care Representative for the Customer Services Division for the third and fourth quarters of FY 2012. Margi answered a total of 6,756 inbound calls with less than 3% abandon rate. She has assisted 747 customers in the last month.
Leon Torrez	500	Leon started off in Customer Services and transferred to Operations. Leon obtained his Wastewater Level 2 within one year of being hired. Leon has caught on very quickly to our advanced treatment process and he volunteers to come in on his day off and work late. Leon recently stepped up to work into the Control Room to cover vacancies.
Jeremy Saenz	500	Jeremy is a Utility Technician II working in the groundwater plant division. Jeremy took on the challenge of starting a facility roof inspection and repair program. This project is currently still being worked on. Jeremy has made repairs to 25 facilities throughout the Water Authority. Repairs range from simple leakage repairs to applying roof shingles/paper and tarring the roof, adding roof vents, gutters and roof jacks. Having this ability to do inhouse is a huge advantage to the Water Authority in response time and cost.

FISCAL IMPACT:

None

Meeting Date: August 22, 2012
Staff Contact: Tom Ortiz, SAC Administrator

TITLE: C-12-14 - Selection Advisory Committee Recommendation of Award Southside Water Reclamation Plant Solids Dewatering Facility Replacement - Project No. 4781.60

ACTION: Recommend Approval

SUMMARY:

The Selection Advisory Committee met on August 3, 2012 to consider the following project:

Southside Water Reclamation Plant Solids Dewatering Facility Replacement – Project No. 4781.60.

PROJECT DESCRIPTION:

A new solids dewatering facility (SDF) is required at the Southside Water Reclamation Plant (SWRP). The SWRP has a nominal capacity of 76 mgd and uses anaerobic digestion to stabilize the sludge. Dewatering is performed using centrifuges. The existing SDF, does not provide reliable service, requires large amounts of annual maintenance, is at the end of its useful life, and needs to be replaced with a new, modern facility. The Engineer will conduct a preliminary design, prepare a Design Analysis Report (DAR), prepare a detailed design including construction bid documents, and provide engineering services during construction. Additional work may be authorized.

FISCAL IMPACT:

Estimated construction cost is \$10,000,000 to \$15,000,000 per year which includes permitting, design, & construction. Funding will be provided through the Water Authority's Capital Implementation Program. The project study, design, and construction phases should be completed in a three year time frame.

PROJECT JUSTIFICATION:

The existing SDF creates workplace hazards for Water Authority employees, does not provide reliable service, requires large amounts of annual maintenance, is at the end of its useful life, and needs to be replaced with a new, modern facility. The new SDF will provide a safer facility reducing risk of personal injury to Water Authority staff. It will

also provide a more reliable facility reducing the risk of National Pollutant Discharge Elimination System (NPDES) permit violations. The new SDF will also have improved odor control systems to reduce the risk of malodorous complaints from the residents living adjacent to the Southside Water Reclamation Plant.

RECOMMENDATION:

Based on the scoring of proposals the Selection Advisory Committee recommends Carollo Engineering for this project. I concur with this recommendation. In accordance with the Selection Advisory Committee Ordinance, Section 6-1-1 et seq., the following in rank order is the consultant selection recommendation concerning the procurement of professional services for the above-referenced project:

1. Carollo Engineering
2. MWH
3. AECOM
4. Smith Engineering
5. Molzen Corbin

The Committee's score sheet compilation and Minutes of the Meeting are attached. This recommendation is being forwarded for Board consideration and approval.

Approved:



Mark S. Sanchez, Executive Director

Date: 8/17/12



Minutes of the Meeting of the
Water Utility Authority Selection Advisory Committee

August 3, 2012

Southside Water Reclamation Plant Solids Dewatering Facility Replacement
Project No: **4781.60**

Present:

Larry Blair
John Stomp
Dave Price
Mike Wimberly
Anthony Montoya

Staff:

Tom Ortiz, SAC Administrator & Chairman, Selection Advisory Committee
Miriam Montoya, Administrative Assistant, Selection Advisory Committee Staff Support
Lorraine Nunez, Contract Administrator

The SAC meeting was held on August 3, 2012. Five (5) proposals were received in response to the Notice of Request for Proposals.

PROJECT DESCRIPTION:

Southside Water Reclamation Plant Solids Dewatering Facility Replacement- Project No. 4781.60

A new solids dewatering facility (SDR) is required at the Southside Water Reclamation Plant (SWRP). The SWRP has a nominal capacity of 76 mgd and uses anaerobic digestion to stabilize the sludge. Dewatering is performed using centrifuges. The existing SDR, does not provide reliable service, requires large amounts of annual maintenance, is at the end of its useful life, and needs to be replaced with a new, modern facility. The Engineer will conduct a preliminary design, prepare a Design Analysis Report (DAR), prepare a detailed design including construction bid documents, and provide engineering services during construction. Additional work may be authorized.

Estimated Design Cost:

Project No: 4781.60 \$10,000,000 to \$15,000,000 per year for three years

WUA Project Manager: Mike Wimberly, P.E., Senior Engineer

WUA Division: Water Resources, Engineering and Planning

The Chairman called the meeting to order at 9:00 A.M. to review responses to the Request for Proposals. He reminded the Committee members of the section of the Rules and Regulations regarding lobbying to

ascertain if anyone had been lobbied to support submittals on this project. The Committee members did not make a motion.

The Chairman asked Mike Wimberly, Project Manager if they wished to provide any additional information pertinent to the project, he had no additional information to provide.

The Chairman asked each Committee member to comment on the proposals, but to withhold giving their scores for each proposal until all discussions have ended.

John Stomp mentioned that the differences in his scores reflected the project manager's and the project team's experience related to this type of work and the technical approach in terms of understanding the needs of the Water Authority for this particular project. Mike Wimberly and Dave Price agreed with Dave mentioning that he thought that four of the five proposals were quite good.


Each Committee member provided their scoring. The Committee was advised of the scores and of the ranking according to these scores.

The Chairman asked the Committee Members if anyone wished to conduct interviews. The Committee declined.

In accordance with the Rules and Regulations, the following firms are the Committee's recommendation to the Water Authority Board of Directors as ranked by the final scores.

1. Carollo Engineering
2. MWH
3. AECOM
4. Smith Engineering Co.
5. Molzen Corbin

There being no further business before the Committee, the Chairman adjourned the meeting at 9:18 A.M.



Tom Ortiz, SAC Administrator & Chairman
WUA Selection Advisory Committee

Composite Selection Advisory Committee Evaluation Form

PROJECT # 4781.60 Southside Water Reclamation Plant Solids Dewatering Facility Replacement

**DATE:
8-3-12**

Evaluator	Maximum Points	Firm Name	Firm Name	Firm Name	Firm Name	Firm Name
		AECOM	Carollo Engineering	Molzen Corbin	MWH	Smith Engineering
BLAIR	100	77	84	74	81	79
PRICE	100	61	78	54	67	66
STOMP	100	78	91	72	85	70
MONTOYA	100	59	56	44	63	57
WIMBERLY	100	88	93	78	85	86
Total Possible Points	500					
Total Points (Before Point Deductions)		363	402	322	381	358
Minus High and Low Scores Total		-147	-149	-122	-148	-143
Total Points (Minus High and Low Scores)		216	253	200	233	215
Resident Business Preference		15		15		6
Sub-Total (After Res Bus Pref Applied)		231	253	215	233	221
Minus Point Deductions (If Applicable)						
Sub-Total (All Applicable Deductions Applied)		231	253	215	233	221
Plus Tie Breaker Points (If Applicable)		0	0	0	0	0
SAC TOTAL SCORES		231	253	215	233	221

RANK	3	1	5	2	4
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High	88	93	78	85	86
Low	59	56	44	63	57

Breakers1	0	0	0	0	0
Breakers2	0	0	0	0	0
Total Breakers	0	0	0	0	0

Meeting Date: August 22, 2012
Staff Contact: Tom Ortiz, SAC Administrator

TITLE: C-12-15 - Selection Advisory Committee Recommendation of Award Southside Water Reclamation Plant Program Management - Project No. 5435.60

ACTION: Recommend Approval

SUMMARY:

The Selection Advisory Committee met on August 8, 2012 to consider the following project:

Southside Water Reclamation Plant Program Management –
Project No. 5435.60.

PROJECT DESCRIPTION:

The Water Authority is seeking a qualified engineering consultant to assist with the management and reporting of the rehabilitation/renewal program, modeling and other quantitative analysis of alternatives for design and operations of the Southside Water Reclamation Plant, review of engineering consultant plans and technical specifications, and other services as authorized. The services will be provided over a 5-year period consistent with the Water Authority's proposed plan. The Program Manager will coordinate the design and construction efforts on the various SWRP plant improvements including project scheduling, cash flow, and other budget control measures. Construction phase services including project management and inspection may be authorized.

FISCAL IMPACT:

Estimated management cost is \$1,000,000 to \$2,000,000 per year. Funding will be provided through the Water Authority's Capital Implementation Program. Services will be provided over a 5-year period consistent with the Water Authority's proposed plan.

PROJECT JUSTIFICATION:

The existing SDF creates workplace hazards for Water Authority employees, does not provide reliable service, requires large amounts of annual maintenance, is at the end of its useful life, and needs to be replaced with a new, modern facility. The new SDF will provide a safer facility reducing risk of personal injury to Water Authority staff. It will

also provide a more reliable facility reducing the risk of National Pollutant Discharge Elimination System (NPDES) permit violations. The new SDF will also have improved odor control systems to reduce the risk of malodorous complaints from the residents living adjacent to the Southside Water Reclamation Plant.

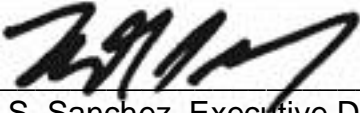
RECOMMENDATION:

Based on the scoring of proposals the Selection Advisory Committee recommends AECOM for this project. I concur with this recommendation. In accordance with the Selection Advisory Committee Ordinance, Section 6-1-1 et seq., the following in rank order is the consultant selection recommendation concerning the procurement of professional services for the above-referenced project:

1. AECOM
2. HDR

The Committee's score sheet compilation and Minutes of the Meeting are attached. This recommendation is being forwarded for Board consideration and approval.

Approved:



Mark S. Sanchez, Executive Director
Date: 8/17/12



Minutes of the Meeting of the
Water Utility Authority Selection Advisory Committee

August 8, 2012

Southside Water Reclamation Plant Program Management
Project No: **5435.60**

Present:

Larry Blair
John Stomp
Dave Price
Charles Leder
Anthony Montoya

Staff:

Tom Ortiz, SAC Administrator & Chairman, Selection Advisory Committee
Miriam Montoya, Administrative Assistant, Selection Advisory Committee Staff Support
Lorraine Nunez, Contract Administrator

The SAC meeting was held on August 8, 2012. Two (2) proposals were received in response to the Notice of Request for Proposals.

PROJECT DESCRIPTION:

: Southside Water Reclamation Plant Program Management - Project No. 5435.60

The Water Authority is seeking a qualified engineering consultant to assist with the management and reporting of the rehabilitation/renewal program, modeling and other quantitative analysis of alternatives for design and operations of the Southside Water Reclamation Plant, review of engineering consultant plans and technical specifications, and other services as authorized. The services will be provided over a 5-year period consistent with the Water Authority's proposed plan. The Program Manager will coordinate the design and construction efforts on the various SWRP plant improvements including project scheduling, cash flow, and other budget control measures. Construction phase services including project management and inspection may be authorized.

Estimated Design Cost:

Project No: 5435.60 \$1,000,000 to \$2,000,000 per year for five years

WUA Project Manager: Charles Leder, P.E., Principal Engineer

WUA Division: Water Resources, Engineering and Planning

The Chairman called the meeting to order at 10:00 A.M. to review responses to the Request for Proposals. He reminded the Committee members of the section of the Rules and Regulations regarding lobbying to ascertain if anyone had been lobbied to support submittals on this project. The Committee members did not make a motion.

The Chairman asked Charles Leder, Project Manager if they wished to provide any additional information pertinent to the project, he had no additional information to provide.

The Chairman asked each Committee member to comment on the proposals, but to withhold giving their scores for each proposal until all discussions have ended.

John Stomp mentioned that both of the proposals were really well done, there was a clear difference in the technical approach and team members and his scores reflected that difference. Larry Blair agreed and stated that the proposals were very professional and that it had been hard to discriminate between the proposals but did anyway. Anthony Montoya agreed that the proposals were put together very well. He mentioned that both firms had outstanding experience and had very interesting technical approaches. Dave Price agreed with the previous comments. Charles Leder had no other comments.

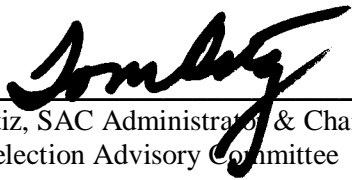
Each Committee member provided their scoring. The Committee was advised of the scores and of the ranking according to these scores.

The Chairman asked the Committee Members if anyone wished to conduct interviews. The Committee declined.

In accordance with the Rules and Regulations, the following firms are the Committee's recommendation to the Water Authority Board of Directors as ranked by the final scores.

1. AECOM
2. HDR

There being no further business before the Committee, the Chairman adjourned the meeting at 10:05 A.M.



Tom Ortiz, SAC Administrator & Chairman
WUA Selection Advisory Committee

Composite Selection Advisory Committee Evaluation Form

PROJECT # 5435.60 Southside Water Reclamation Plant Program Management

DATE: 8-8-12

Evaluator	Maximum Points	Firm Name	Firm Name	Firm Name
		AECOM	HDR	
BLAIR	100	84	88	
PRICE	100	84	55	
STOMP	100	90	77	
MONTOYA	100	71	77	
LEDER	100	88	80	
	500			
Total Possible Points		417	377	0
Total Points (Before Point Deductions)		-161	-143	0
Minus High and Low Scores Total		256	234	0
Total Points (Minus High and Low Scores)		15	15	
Resident Business Preference		271	249	0
Sub-Total (After Res Bus Pref Applied)		0		
Minus Point Deductions (If Applicable)		271	249	0
Sub-Total (All Applicable Deductions Applied)		0	0	0
Plus Tie Breaker Points (If Applicable)		271	249	0
SAC TOTAL SCORES				

RANK

1	2	3
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High

90	88	0
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Low

71	55	0
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Breakers1

0	0	0
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Breakers2

0	0	0
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Total Breakers

0	0	0
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Meeting Date: August 22, 2012
Staff Contact: Chris Framel, Chief Information Officer

TITLE: C-12-16 – Approving Agreement with POD, Inc. for Technology Services

ACTION: Recommend Approval

SUMMARY:

The Water Authority, at times, requires additional highly technical resources to provide various information systems hardware and software services. This is needed due to short-term projects being implemented, required expertise that Water Authority personnel may need, or when staff vacancies result in the need for short term technical assistance.

This agreement will provide the Water Authority on-call assistance in various information technology services, such as those described above.

The Water Authority is using an existing State Purchasing Agreement for this contract. The Water Authority will contract with POD, Inc. until the State Purchasing Agreement expires or is renewed. If the agreement is renewed, the Water Authority is authorized by the Board to renew our agreement if mutually agreed upon by POD and the Water Authority. The initial agreement will terminate on June 30, 2013.

FISCAL IMPACT:

The cost of this agreement is approximately \$200,000. The Water Authority has budgeted the capital and operating resources to cover this agreement.

COMMENTS:

POD provides temporary information technology experienced staffing services. Given the technical knowledge needed to step in and assist on operating or planned data systems requires skill and expertise that is not readily available through regular temporary staffing agencies. Services will be requested on an as needed basis to insure that information technology services are adequately delivered and maintained.

**FIRST SUPPLEMENTAL AGREEMENT
BETWEEN THE
ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY
AND
POD, INC.**

THIS FIRST SUPPLEMENTAL AGREEMENT is made and entered into on the date of the last signature entered below by and between the Albuquerque Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico, P.O. Box 568, Albuquerque, NM 87103-0568 ("Water Authority"), and POD, Inc., a New Mexico corporation located at 5971 Jefferson NE, Suite 101, Albuquerque, NM 87109 ("Contractor").

RECITALS

WHEREAS, the Water Authority and the Contractor entered into an Agreement, dated April 30, 2012, hereinafter referred to as the "Original Agreement", whereby the Contractor agreed to render certain professional services to the Water Authority; and

WHEREAS, the Water Authority wishes to increase the total compensation to pay for additional services and amend Exhibit A to the Original Agreement, Statewide Price Agreement No. 10-000-00-00051AU, to include the attached Amendment No. One, which extends the term of the Statewide Price Agreement to May 31, 2013; and

WHEREAS, the Contractor is agreeable to the addition of compensation and the amendment to Exhibit A, which extends the term of the Statewide Price Agreement to May 31, 2013.

NOW, THEREFORE, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree as follows:

1. Section 1, Scope of Services, of the Original Agreement is hereby amended to read as follows:

Provide on-call support services as noted in Exhibit A, as amended by Amendment No. One to Statewide Price Agreement No. 10-000-00-00051AU.

2. Section 3.A., Compensation, of the Original Agreement is hereby amended to read as follows:

A. Compensation: For performing the Services specified in Section 1 hereof, the Water Authority agrees to pay the Contractor up to an amount of Two Hundred Thousand and 00/100 Dollars (\$200,000), which amount includes any applicable gross receipts taxes and which amount shall constitute full and complete compensation for the Contractor's Services under this Agreement, including all expenditures made and expenses incurred by the Contractor in performing such Services.

3. Except as herein expressly amended, the terms and conditions of the Original Agreement shall remain unchanged and shall continue in full force and effect unless there is a conflict between the terms and conditions of the Original Agreement and this First Supplemental Agreement, in which event, the terms and conditions of this First Supplemental Agreement shall control.

4. This First Supplemental Agreement shall not become effective or binding until approved by the Water Authority's Executive Director.

{Intentionally left blank.}

IN WITNESS WHEREOF, the Water Authority and the Contractor have executed this First Supplemental Agreement as of the date of the last signature entered below.

**ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY AUTHORITY**

**CONTRACTOR:
POD, INC.**

Approved by:

Mark S. Sanchez, Executive Director

Date: _____

Reviewed by:

Charles W. Kolberg, General Counsel

Date: _____

By: Sam Japi

Title: President & CEO

Date: 8/7/12

State Taxation and Revenue Department
Taxpayer Identification Number

02-109405-005

Federal Taxpayer Identification Number

85-0867128

Exhibit A

Amendment No.: One

Statewide Price Agreement No. 10-000-00-00051AU



State of New Mexico
General Services Department
Purchasing Division

GSD/PD (Rev. 01/11)

Statewide Price Agreement Amendment

Awarded Vendor
0000049493
POD Inc.
5971 Jefferson, Suite 101
Albuquerque, NM 87109

Telephone No. (505) 243-2287

Price Agreement Number: 10-000-00-00051AU

Price Agreement Amendment No.: One

Term: July 1, 2011 - May 31, 2013

Ship To:
All State of New Mexico agencies, commissions,
institutions, political subdivisions and local public bodies
allowed by law.

Procurement Specialist: Gerrie Becker 

Telephone No.: (505) 476-3121

Invoice:

As Requested

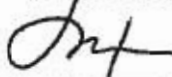
Title: IT Professional Services

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from March 31, 2012 to May 31, 2013 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

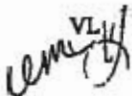
Accepted for the State of New Mexico



New Mexico State Purchasing Agent

Date: 1/13/2012

Purchasing Division, 1100 St. Francis Drive 87503, PO Box 6850, Santa Fe, NM 87502-6850 (505) 827-0472



Meeting Date: August 22, 2012
Staff Contact: Rick Shean, Water Quality Hydrologist

TITLE: F/S R-12-13 - Authorizing an Agreement with the KAFB for Protecting Albuquerque's Drinking Water and Contingency Plan Coordination

ACTION: Move the Floor Substitute and Defer Resolution

SUMMARY:

The Water Authority Board has requested that staff enter into a formal agreement between the Water Authority and Kirtland Air Force Base (KAFB) pursuant to undertaking evaluation and development of a contingency plan in the event that the jet fuel plume from the base's former bulk fuel facility reaches existing municipal water supply wells.

The floor substitute for R-12-13 is the Water Authority's Board request to staff to engage in negotiations with KAFB to enter into a formal agreement, securing KAFB's commitment to fund the development and implementation of the contingency plan, and to include the continued funding for the investigation and cleanup of the aviation gas and jet fuel spill in the WUA's federal legislative priorities.

The Water Authority has been working cooperatively with KAFB on the characterization and remediation planning for the base's fuel spill, and is actively monitoring the status of the resulting plume in the aquifer.

Discussions are ongoing with KAFB and no formal agreement has been negotiated to date. It is recommended that this resolution be deferred pending the development of an agreement, which is expected in the next 60 days.

Commissioner De La Cruz and Councilor Garduño have worked together on this Resolution.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. F/S R-12-13

1 **RESOLUTION**

2 **AUTHORIZING AN AGREEMENT WITH THE KIRTLAND AIR FORCE BASE FOR**
3 **PROTECTING ALBUQUERQUE'S DRINKING WATER AND CONTIGENCY PLAN**
4 **COORDINATION.**

5 WHEREAS, the Albuquerque Bernalillo County Water Utility Authority (Water
6 Authority) was established to provide safe and sustainable water supply for the
7 Albuquerque metropolitan area; and

8 WHEREAS, the Water Authority has worked diligently to conserve water usage
9 and invested more than \$500 million in the San Juan-Chama Drinking Water Project to
10 preserve and protect the aquifer and the regional water supply; and

11 WHEREAS, a former Kirtland Air Force Base (KAFB) bulk fuel facility leak has
12 created what may be the largest aviation gas and jet fuel spill in the history of the United
13 States (U.S.); and

14 WHEREAS, the jet fuel plume has and continues to migrate from the source and
15 represents a potentially significant threat to the downgradient municipal water supply
16 wells; and

17 WHEREAS, a concentrated plume of aviation gas and jet fuel containing
18 benzene, toluene, ethyl benzene, xylene, ethylene dibromide (EDB) and other organic
19 compounds is dissolving into the groundwater and extends at least a mile from its
20 source; and

21 WHEREAS, The U.S. Agency for Toxic Substances and Disease Registry
22 characterizes Ethylene Dibromide (EDB) breakdown in ground water as "hardly at all";
23 and

24 WHEREAS, the dissolved phase plume as represented by ethylene dibromide
25 (EDB) may arrive at the Water Authority's Ridgecrest Well Number 5 within five years;
26 and

27 WHEREAS, KAFB continues to investigate and is actively remediating the fuel
28 spill in the vadose zone using soil vapor extraction technologies; and,

1 WHEREAS, KAFB has not proposed to contain or extract the dissolved phase
2 fuel plume; and

3 WHEREAS, the Water Authority, KAFB and the New Mexico Environment
4 Department (NEMD) have been working cooperatively and productively towards
5 ensuring that the drinking water supply for the City of Albuquerque and Bernalillo
6 County is safe for consumption; and

7 WHEREAS, the U.S. Air Force has pledged to fund contingency projects, in the
8 event a Water Authority well or wells are impacted by the fuel plume; and

9 WHEREAS, the Water Authority and KAFB have executed an existing
10 Memorandum of Agreement providing the Water Authority reimbursements for costs
11 related to additional well sampling related to the KAFB bulk fuel facility spill.

12 BE IT RESOLVED BY THE WATER AUTHORITY:

13 Section 1. Water Authority will enter into a formal agreement with KAFB to
14 include activities related to monitoring, contingency planning and implementation in the
15 event that a Water Authority production well or wells are affected by the KAFB Bulk Fuel
16 Facility spill.

17 Section 2. Water Authority will work with KAFB and NMED on the placement of
18 additional monitoring wells, including sentinel wells within the wellhead protection areas,
19 and assist with the modeling of the dissolved phase plume including the proximity to the
20 Water Utility's Ridgecrest Well Field and production zone.

21 Section 3. Water Authority will determine the cost of wellhead treatment, well
22 replacement, and related infrastructure costs to be considered in the contingency and
23 implementation plan.

24 Section 4. The Executive Director is authorized enter into an agreement with
25 KAFB to provide funding by KAFB for costs related to contingency planning and
26 implementation projects.

27 Section 5. Continued funding for the KAFB remediation shall be included as a
28 federal legislative priority for the Water Authority.

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32

Meeting Date: August 22, 2012

TITLE: R-12-14 – Protecting Albuquerque’s Water Supply

ACTION: Motion of Do Not Pass

SUMMARY:

Councilor Rey Garduño and Commissioner Art De La Cruz have agreed to work together to combine in individual Resolutions introduced at the June 20 Board meeting. F/S R-12-13 has become the merged document, this resolution needs to be moved as a do not pass.

Councilor Rey Garduño sponsored this Resolution.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-12-14

1 **RESOLUTION**

2 **PROTECTING ALBUQUERQUE'S DRINKING WATER.**

3 WHEREAS, Albuquerque has the largest underground contamination threatening
4 any city's drinking water aquifer in the history of the U.S., now estimated at 24,000,000
5 gallons, more than twice the Exxon-Valdez spill; and

6 WHEREAS, the Kirtland Air Force Base, New Mexico Environment Department,
7 and other experts do not deny that a dissolved plume of the toxic chemical
8 contamination from Ethylene Dibromide (EDB) may arrive at the Albuquerque Bernalillo
9 County Water Utility Authority's five Ridgecrest well number 5 within five years; and

10 WHEREAS, The Agency for Toxic Substances and Disease Registry
11 characterizes Ethylene Dibromide (EDB) breakdown in ground water as "hardly at all";
12 and

13 WHEREAS, a liquid plume of jet fuel (LNAPL) containing Benzene, Toluene,
14 Ethylbenzene, Xylene and other toxic components is dissolving into groundwater and
15 extends to a mile long and a half mile wide; and

16 WHEREAS, Soil Vapor Extraction technology cannot remove the LNAPL to keep
17 it from moving further toward Albuquerque's municipal drinking water wells; and

18 WHEREAS, although the Air Force recognized the spill in 1997, there is still only
19 poor understanding of the size, depth and rate of the expansion of the plume of
20 contamination; and

21 WHEREAS, there is no approved containment plan, no remediation plan, or
22 ongoing effort to remove the liquid portion of the jet fuel (LNAPL) and the dissolved
23 plume of EDB from Albuquerque's drinking water aquifer; and

24 WHEREAS, the full size of the dissolved EDB plume is unknown and there are
25 no monitoring wells close to the city wells; and

26 WHEREAS, The City of Albuquerque and Bernalillo County joint Water Utility
27 Authority is the only governmental entity that can demand that the Air Force take action

1 to implement treatment technology to save the City's highly productive Ridgecrest and
2 other drinking water wells from the dissolved EDB plume:

3 BE IT RESOLVED BY THE WATER AUTHORITY:

4 Section 1. That in order to protect the public health and environment, the City
5 of Albuquerque and Bernalillo County through its Water Utility Authority act immediately
6 to enter into negotiations with the Air Force for emergency measures:

7 A. To save Albuquerque's drinking water resource;

8 B. To place groundwater monitoring as close as possible to the Ridgecrest
9 municipal wells;

10 C. To begin the investigation for technologies and installation of water treatment
11 facilities for the wells including financial assurance;

12 D. To halt the further movement of the liquid LNAPL jet fuel;

13 E. To plan for and implement remediation technology to address the long-term
14 contamination of soils and the aquifer.

Meeting Date: August 22, 2012
Staff Contact: Stan Allred, Chief Financial Officer

**TITLE: C-12-17 - Approving Write-Off of Uncollectable Accounts Receivable
Second Chance, LLC**

ACTION: Recommend Approval

SUMMARY:

On May 23, 2006, the City of Albuquerque and the Water Authority as co-owners leased a portion of the facility that was formerly used as the Westside Jail Facility to an offender rehabilitation organization called Second Chance. Subsequently, Second Chance failed to exercise its options to extend its lease term on Area 1 or to exercise its option to lease Area 2. Consequently, Second Chance became a month-to-month tenant.

There were concerns regarding Second Chances' manner and use of the leasehold. On December 26, 2008, the City exercised its rights and terminated the leasehold and ordered Second Chance to vacate the premises no later than January 31, 2009. Second Chance failed to vacate by the January deadline and legal action was taken. As of 2009, Second Chance owed the Water Authority \$54,953.24 in unpaid rent.

IMPACT:

After Second Chance left the property, various demand letters were sent and there were communications with Second Chance's lawyers, but no collection suit was filed because there were no assets to secure the debt. The original lease/contract was with a limited liability corporation ("LLC") that had no assets and no monetary guarantee had been required. When the City terminated Second Chance's lease, it essentially terminated the ability of the rehab center to continue so there was no revenue or entity with monetary assets upon which to base a suit.

The City Council has already approved a write-off of the City's outstanding receivables from Second Chance.

COMMENTS:

Since there is no possibility of ever recovering the \$54,953.24 in rent due, it is recommended that the Water Authority also approve writing off the outstanding balance.

Meeting Date: August 22, 2012
Staff Contact: Frank Roth, Senior Policy Manager

TITLE: C-12-18 - Appointment to the Customer Advisory Committee

ACTION: Recommend Approval

SUMMARY:

The Customer Advisory Committee (CAC) was established in November 2006 to assist in and facilitate public review and discussion of Water Authority policies, plans and programs. The CAC consists of nine voluntary members who are customers of the Water Authority's water or wastewater system. The resolution, R-06-27, establishing the CAC recommends that the appointed members have professional or technical competence in one of the following areas: water resource planning, water system engineering, environmental or public interest advocacy, planning or landscape architecture, financial or business management, resource economics, and customer service. Recently, one of the CAC members resigned, and a new member needs to be appointed in the resource economics category. There is one nomination for the vacant position.

The nomination was submitted to the Chair for concurrence. Pursuant to R-06-27, the Chair forwards the nomination for confirmation by the Water Authority Board. The new nomination represents the same area that the current member leaving represented. The nominee presented for confirmation is highly qualified and certified in his field of work and for the technical area that will be vacated. Below is a summary of David Brookshire's professional and academic background.

Biography

David S. Brookshire is a Distinguished Professor and Director of the Science Impact Laboratory for Policy and Economics (SILPE) within the Department of Economics at the University of New Mexico. After completing his B.A. in Economics at California State University at San Diego in 1970, David earned his Ph.D. in Economics at the University of New Mexico in 1976. He was on the faculty at the University of Wyoming from 1976 to 1990. He returned to UNM in 1990 and served as Department chair from 1993-2000. David specializes in environmental and resource economics. Among his many appointments, he has served as Policy Sciences Editor of Water Resources Research (published by the American Geophysical Union, served on the Executive Board of the Sustainability of semi-Arid Hydrologic and Riparian Areas (SAHRA) Science and Technology Center at the University of Arizona, served on three National Research Council panels and worked as an economist for the National Water Commission, the U.S. Department of Commerce, and the U.S. Geological Survey.

David specializes in public policy issues in the natural resource, environmental and natural hazards areas. In particular, he has completed studies pertaining to seismic building codes, earthquake prediction impacts, environmental regulations, endangered species, air pollution, the effects of seismic zoning and the value of geologic information and water allocation. His current research interests include ecosystem valuation, natural hazards issues, endangered species protection, field and laboratory experiments for the estimation of disaggregated demand of consumer water users, the value of water in non-market settings, and integrated hydrological/biological/economic modeling of alternative institutional and behavioral characteristics of water banking/leasing markets.

CURRENT MEMBERS:

Member	R-06-27 Category	Term Expiration
David Ritchy	Financial Management/Institutional Customer	3/2013
Will Gleason	Planning	3/2013
Jesse Roach	Water Resource Planning	3/2013
Elizabeth Jordan	Environmental/Public Interest Advocacy	1/2013
Wayne Frye	Customer Service	5/2013
Lola Bird	Landscape Architecture	4/2012
John Shomaker	Water Resource Planning	4/2012
Frederick Arfman	Water System Engineering	4/2012
Vacant	Resource Economics	

FISCAL IMPACT: None

Meeting Date: August 22, 2012
Staff Contact: Frank Roth, Senior Policy Manager

TITLE: C-12-19 - Reappointments to the Customer Advisory Committee

ACTION: Approval Requested

SUMMARY:

The Customer Advisory Committee (CAC) was established in November 2006 to assist in and facilitate public review and discussion of Water Authority policies, plans and programs. The CAC consists of nine voluntary members who are customers of the Authority's water or wastewater system. The resolution, R-06-27, establishing the CAC recommends that the appointed members have professional or technical competence in one of the following areas: water resource planning, water system engineering, environmental or public interest advocacy, planning or landscape architecture, financial or business management, resource economics, and customer service.

Three of the current members have completed their first term and are eligible to be reappointed to a second two-year term. The following are the current three members and the category they represent:

- Lola Bird, Landscape Architecture Category
- Frederick Arfman, Water System Engineering Category
- John Shomaker, Water Resource Planning Category

Staff recommends that these three members continue to serve on the CAC. Below is a summary of their professional and academic background.

BIOGRAPHY OF APPOINTMENTS:

Lola Bird, RLCA, AICP – Ms. Bird, a registered Landscape Architect in the State of New Mexico, and Urban Planner, has been working as an urban and landscape designer for more than ten years in Albuquerque. Ms. Bird is a principal of Strata Design LLC, a local, women-owned architecture, landscape architecture and planning firm. Her past professional experience includes master planning, site planning, landscape design for commercial and multi-family projects, campus planning, corporate identity and wayfinding. She previously worked at Dekker/Perich/ Sabatini and Denish + Kline Associates before establishing Strata Design. She has experience in a diversity of project types including sector planning and entitlement planning for the East Downtown (EDO) Regulatory Plan and the Mesa del Sol Master Plan (Level A and Level B); design guidelines and district identity planning for the Mesa del Sol Employment Center and Pulte Loma Colorado Commercial Center; and master

planning, site planning and entitlement planning for ABQ Uptown. Since co-founding Strata Design, Ms. Bird has been involved in developing the West Route 66 Sector Plan, the International Sector Plan, the South Yale Sector Plan, the Form Based Zones and numerous residential landscape projects.

Ms. Bird has extensive experience working with various New Mexico municipalities including her position as a former Planner with the City of Albuquerque, where she provided site plan review and policy analysis for development requests to the City's Environmental Planning Commission. Ms. Bird earned a Bachelor's degree from Stanford University in Latin American Studies with a concentration in Community Planning, a Masters of Urban and Environmental Planning from the University of Virginia, and a Masters of Landscape Architecture from the University of New Mexico. She is also a trained and certified mediator with the Institute for Environmental Negotiation at the University of Virginia. Ms. Bird currently sits as the landscape architect and planner for both the Mesa del Sol Employment Center and Residential Development Design Review Committees, responsible for reviewing all commercial, industrial and residential development for the project.

Frederick Arfman, P.E. – Fred C. Arfman was born in Iowa City, Iowa in 1951 and grew up on military bases until his family settled in New Mexico in 1959. His professional career has included work with public agencies such as the New Mexico State Highway Department followed by a rewarding career in the private sector. A registered professional engineer in New Mexico since 1979, Mr. Arfman has experience in hydraulic design, water resource management, and water policy implementation. Mr. Arfman received a bachelor's degree in civil engineering from the University of New Mexico in 1974.

Following graduation, Mr. Arfman began his career as a partner in S.A.W. Enterprises dealing with federal forest management contracts. Shortly thereafter, in 1976, he began work with the New Mexico State Highway Department as a field engineer. Beginning in 1977, he spent three years with CCIC, an Albuquerque architecture and engineering firm. Since 1980, as senior principal and owner of Isaacson & Arfman, PA, Arfman has spent the past thirty-two years providing civil engineering services for public and private development. He currently serves as a Director on the Board of the not-for-profit Family Housing Development Corporation and is active in NAIOP and ACEC and having served for one term on the ABCWUA Customer Advisory Committee.

John W. Shomaker, Ph.D. – John Shomaker is President and a Principal Hydrogeologist of John Shomaker & Associates, Inc., in Albuquerque. He has over 45 years of professional experience in geological and hydrogeological studies in New Mexico and surrounding states. John holds B.S. and M.S. degrees in geology from the University of New Mexico (1963, 1965), an M.A. in the liberal arts from St. John's College in Santa Fe (1984), and M.Sc. and Ph.D. degrees in hydrogeology from the University of Birmingham, England (1985, 1995). He worked as a hydrologist for the U.S. Geological Survey (1965-1969), and as a geologist for the (then) New Mexico Bureau of Mines and Mineral Resources (1969-1973), before starting the consulting firm in 1973. Shomaker & Associates specializes in ground-water data collection and sampling, ground-water flow modeling, drilling technology and field supervision of

drilling projects, water-supply planning, water-rights issues and expert testimony (including in interstate litigation before a U.S. Supreme Court Special Master), and environmental studies.

CURRENT MEMBERS:

Member	R-06-27 Category	Term Expiration
David Ritchy	Financial Management/Institutional Customer	3/2013
Will Gleason	Planning	3/2013
Jesse Roach	Water Resource Planning	3/2013
Elizabeth Jordan	Environmental/Public Interest Advocacy	1/2013
Wayne Frye	Customer Service	5/2013
Lola Bird	Landscape Architecture	4/2012
John Shomaker	Water Resource Planning	4/2012
Frederick Arfman	Water System Engineering	4/2012
Vacant	Resource Economics	

FISCAL IMPACT: None

Meeting Date: August 22, 2012
Staff Contact: Frank Roth, Senior Policy Manager

TITLE: C-12-20 – Agreement with Bernalillo County for a Pilot Loan Program to Connect Residents to Available Water Services

ACTION: Recommend Approval

SUMMARY:

The purpose of this agreement is to establish a loan program to promote connection of applicable residential properties to the Water Authority's water system where water quality does not meet federally-mandated primary drinking water standards. The loan program called CONNECT will provide loan funds to owners of residential type properties whether residences are either owner-occupied or rental-type properties.

CONNECT will be administered by Bernalillo County through the use of program guidelines which specify the eligibility criteria, the financial limit per property, the program application process and procedures, and the client's duties and obligations. The Water Authority will be responsible for billing and collecting payments and managing the loan application process.

CONNECT covers the costs for meter sets, main line stub-outs, water yard lines, proper abandonment and/or separation of the well from the home, and for associated permits. CONNECT does not cover the Water Authority's Utility Expansion Charge (UEC); however, the property owner can finance the UEC through an existing and similar Water Authority program.

In June 2012, Bernalillo County approved \$150,000 in funding to establish the loan program. As the loans are repaid, the loan program account balance will be replenished and can be used to support a new cycle of loans.

The duration of the pilot program will be limited to two years at which time the program effectiveness will be evaluated. The CONNECT program manager will provide annual progress reports to the County Manager and the Water Authority Executive Director.

FISCAL IMPACT:

The Water Authority will reimburse the County on a quarterly basis from funds collected from each account. The reimbursements will consist of all principal amounts collected. For serving the loan, the Water Authority will retain 0.5% of the interest monies collected.

MEMORANDUM OF UNDERSTANDING

PROVIDING FOR A PILOT LOAN PROGRAM TO CONNECT RESIDENTS TO AVAILABLE WATER SERVICES

THIS MEMORANDUM OF UNDERSTANDING was made and entered into on the last date signed by and between the Albuquerque Bernalillo County Water Utility Authority, a political subdivision of the State of New Mexico, hereinafter referred to as the “Water Authority,” and Bernalillo County, a political subdivision of the State of New Mexico, hereinafter referred to as the “County.”

WHEREAS, the County has an interest in protecting public health of all its residents through the provision of clean drinking water where available,

WHEREAS, the Water Authority has an interest in fully utilizing its infrastructure resources and collection of revenues through the provision of service to a maximum number of customers,

WHEREAS, the Water Authority and County are willing to enter into an agreement establishing and operating a pilot loan program designed to assist County residents to facilitate connection to Water Authority water service where water service exists and poor groundwater quality is present;

NOW, THEREFORE, in consideration of the premises and covenants hereinafter contained, the parties hereto agree as follows:

ARTICLE I PROGRAM DESCRIPTION

The Water Authority and the County will work jointly to promote connection of residential properties to water services where poor water quality exists and where water services infrastructure is readily available for connection. This cooperative agreement will take the form of a loan based program, herein known as CONNECT. CONNECT loan funds will be available to owners of residential type properties whether the residences are owner-occupied or rental-type properties. CONNECT will be administered through the use of program guidelines that shall be maintained by the County’s program manager, in consultation with the Water Authority program manager. The guidelines shall address a detailed list of available services, scoping and contracting process, the loan process, and the reimbursement process.

ARTICLE II SCOPE OF SERVICES

A. CONNECT SERVICES

CONNECT provides only for physical connection to the Water Authority water system. This includes costs for meter sets, water yard lines, and proper abandonment and/or separation of the well from the home drinking water supply, and for associated permits. A more detailed description of services shall be maintained and administered through the program guidelines. UECs (Utility Expansion Charges) can be financed with the Water Authority through a separate, existing program. NO DIRECT PAYMENT OF UECs BY BERNALILLO COUNTY FUNDING IS ALLOWED THROUGH THIS PROGRAM.

B. ADMINISTRATION:

County Duties and Obligations: The CONNECT scoping, contracting, and connection portions of the program will be managed by and run in parallel with Bernalillo County’s PIPE Program by the PIPE

Program Manager or designee (County program manager). Initial costs for physical connection to Water Authority services will be funded by Bernalillo County. The program guidelines will be maintained and administered by the County's program manager.

Water Authority Duties and Obligations: The Water Authority will be responsible for establishing, maintaining, and collecting loan payments from its customers for water for cost reimbursement for services provided by CONNECT through Bernalillo County. The CONNECT loan application and loan servicing functions will be managed by and run in parallel with Water Authority's UEC loan program. The New Customer Services Manager or designee (Water Authority program manager) will administer and manage the Water Authority portion of the program. The Water Authority program manager will advise and assist the County program manager with any necessary changes to the loan process or reimbursement process.

Program Guidelines: The CONNECT program shall be administered through the use of program guidelines. The program guidelines shall initially be developed by the County in cooperation with the Water Authority. Once established, the program guidelines shall be maintained and administered by the County's program manager with the advice of the Water Authority manager. Approval of changes to the guidelines are addressed in Article XI of this agreement.

ARTICLE III **FINANCIAL TERMS AND CONDITIONS**

A. **INITIAL FUNDING BY THE COUNTY:** The funding for the program shall be provided by the County in the amount of \$150,000, or in such amount as may be approved by the Board of County Commissions through its budgetary and funding process. Such funds shall be placed in a County-managed account and designated for use of the CONNECT program. Through its procurement processes, the County will scope, request quotes, authorize work, and pay for such work from the designated funds.

B. **LOAN INITIATION:** The selected quote and contractor information will be provided by the County to the property owner and to the Water Authority. At such time, the property owner shall apply and arrange for loan repayment with the Water Authority. Once processed, a copy of the signed loan agreement shall be provided by the Water Authority to the County, and the County will authorize the selected Contractor to proceed with the work.

C. **LOAN AMOUNT / CHANGE ORDER:** In no case will the final loan amount exceed the final invoice amount. A change order process will be addressed in the CONNECT guidelines as administered by the County's Program Manager.

D. **LOAN TERMS AND CONDITIONS:** The loan terms and conditions shall be determined by the Water Authority but shall be consistent with policies and conditions used for the existing UEC loan program.

E. **METHOD AND PRIORITY OF PAYMENT:** Repayment by the property owner shall be made through the Water Authority monthly billing process as specified in the loan agreement. Water Authority shall track such payments for each account. In the event of non-payment or insufficient payment, Water Authority shall follow its internal procedure for collection from delinquent accounts. In the event of insufficient payment, available funds shall first be applied against the amount of CONNECT loan principal due, then for payment of CONNECT loan interest, and then as Water Authority policies direct regarding payments due, provision of service and UEC loans.

F. **REIMBURSEMENT:** The Water Authority shall initiate quarterly reimbursement to the County from the funds collected from each account. The reimbursement shall consist of the all principal amounts

collected, plus all interest amounts less 0.5% of the interest charged. For servicing the loan, Water Authority shall retain 0.5% of the interest monies collected.

G. **FREQUENCY OF REIMBURSEMENT:** The Water Authority shall initiate reimbursements once per quarter. Reimbursements shall be sent to Debra Chavira, Public Works Grant Coordinator, 2400 Broadway Blvd. SE, Albuquerque NM 87110 or designee.

ARTICLE IV **TERM**

The services of the Water Authority and County are to commence immediately upon execution of this Agreement by the Board of County Commissioners and the Water Authority. The Agreement shall terminate if a lack of funds occur, but in no case later than four (4) years after the date it is executed unless the termination date is changed by mutual agreement of the Water Authority and the County.

ARTICLE V **PROJECT MANAGEMENT, REPORTS, AND INFORMATION**

A. **PROGRAM MANAGERS:** The County Program Manager will be the PIPE Program Manager or designee. The Water Authority Program Manager shall be the New Customer Services manager or designee. The County Manager shall notify the Water Authority Executive Director regarding the County's designation of its program manager and any subsequent changes in writing. The Water Authority Executive Director shall likewise notify the County Manager regarding the Water Authority's designation of its program manager and any subsequent changes in writing. The Program Managers will implement this agreement by planning and coordinating accomplishment of the scope of services with each other and with their respective staffs.

B. **PROGRESS REPORTS:** The County's Program Manager will prepare an annual progress report summarizing the number of connections made and the financial status of available funds. The report shall be presented within 90 days of the end of each County fiscal year. These reports will be submitted through the County Manager and the Water Authority Executive Director.

ARTICLE VI **AUDITS AND INSPECTIONS**

At any time during normal business hours and as often as the Water Authority or County may deem necessary, there shall be made available to the other party for examination all of the records with respect to all matters covered by this Agreement. The parties shall permit the other party to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this agreement. Such records shall be kept in accordance with applicable retention schedule requirements.

ARTICLE VII **LIABILITY**

As between the parties, each party acknowledges and represents that it will be responsible for any claims by or damages to third parties to the extent they result from its own negligent acts or omissions in the performance of the contract. The liability of the parties shall be subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1 et seq. NMSA 1978.

ARTICLE VIII

COMPLIANCE WITH LAWS

In providing the Scope of Services outlined herein the Water Authority and the County shall comply with all laws, ordinances and codes of the Federal State and local governments, as apply to this Agreement.

ARTICLE IX DISCRIMINATION PROHIBITED

In performing the services required hereunder, the Water Authority and the County shall not discriminate against any person on the basis of race, color, religion, sex, national origin or ancestry, age or physical handicap.

ARTICLE X ADA COMPLIANCE

In performing the services required by this Agreement, the Water Authority and the County agree to comply with the Americans with Disabilities Act of 1990 (the ADA) and all rules and regulations under the ADA which apply to the Water Authority and/or County. As between the parties, each party acknowledges and represents that it will be responsible for any claims, actions, suits or proceedings brought under the ADA to the extent they result from its acts or omissions in violation of the ADA.

ARTICLE XI CHANGES

Either party may, from time to time, request changes in the Scope of Services or in the processes or guidelines used to implement the scope of services to be performed hereunder. Approval of such changes in scope of services, guidelines, or processes requiring authorization above the Program Manager level may be approved by the County Manager on behalf of the County, and by the Water Authority Executive Director on behalf of the Water Authority. Changes regarding the eligibility requirements, funding amounts, financial terms and repayment provisions, or enlargement of the program from pilot to program status must be approved by the Board of County Commissioners and Water Authority Governing Board through a written addendum to this agreement

ARTICLE XII TERMINATION

This Agreement may be terminated by either party upon thirty (30) days prior written notice and without assigning any reason therefore and in the event either party terminates the Agreement, the County shall receive compensation in full for services satisfactorily completed up to the date of such termination.

Notwithstanding any other provisions in this Agreement, the terms of this Agreement are contingent upon the Water Authority Governing Board and the Board of County Commissioners of Bernalillo County making the appropriations and authorizations necessary for the performance of this Agreement. If sufficient appropriations and authorizations are not made by either party, this Agreement may be terminated at the end of the respective party's current fiscal year upon written notice given by either party to the other. Such event shall not constitute an event of default. The Water Authority's or County's decision as to whether sufficient appropriations are available shall be accepted by the other party and shall be final. No additional payment obligations or additional interests in the Agreement shall incur following the date of termination. However, existing payment obligations and interests shall remain until such time as the principal loan amount and associated interest have be reimbursed by the Water Authority to the County.

ARTICLE XIII
ASSIGNMENT AND CONTRACTING

Neither the Water Authority nor the County shall assign any interest in this Agreement, whether by assignment or novation without the prior written consent of the other party. It is the County's sole responsibility to prepare requirements for Contractors, procure Contractor services, and ensure satisfactory performance of selected Contractors.

ARTICLE XIV
ETHICS AND CAMPAIGN PRACTICES

Both parties agree to provide to the other, or to the other's designated investigator (i.e. "ethics board", "review board", "legal counsel" or other such equivalent body or individual) with any records or information pertaining in any manner to the Agreement, or both, whenever such records or information are within the party's custody, are germane to an investigation authorized by the Board of County Commissioners or Water Authority Governing Board, and are requested by a designated investigator. The parties further agree to appear as a witness as required in hearings concerning ethics or campaign practices charges to be heard by an investigating or review body of the other party.

ARTICLE XV
MISCELLANEOUS PROVISIONS

A. PUBLICATION: Reproduction and Use of Material: No material produced in whole or in part under this Agreement shall be subject to copyright in the United States, or in any other country. The Water Authority and the County shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this agreement.

B. CONSTRUCTION AND SEVERABILITY: If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this agreement so long as the remainder of the Agreement is reasonably capable of completion.

C. ENTIRE AGREEMENT: This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

D. APPLICABLE LAW: This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of New Mexico, and, where applicable, the laws, rules, ordinances and regulations of the Water Authority and the County of Bernalillo.

E. APPROVAL REQUIRED: This Agreement shall not become effective or binding until approved by the Water Authority Governing Board and the Board of County Commissioners.

IN WITNESS WHEREOF, the Water Authority and the County have executed this Agreement as of the date first above written:

APPROVED AS TO FORM:

Randy M. Autio, County Attorney

APPROVED:

Tom Zdunek, County Manager

ATTEST:

Maggie Toulouse Oliver, County Clerk

Albuquerque Bernalillo County Water Utility Authority

Approved as to form:

Charles W. Kolberg,
General Counsel

Date: _____

Approved:

Mark S. Sanchez,
Executive Director

Date: _____



Meeting Date: August 22, 2012
Staff Contact: Rick Shean, Water Quality Hydrologist

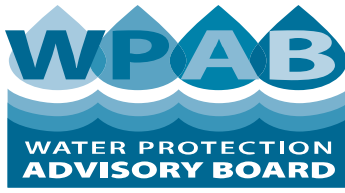
TITLE: Water Protection Advisory Board Letter Supporting the Increase of U.S. Dept. of Energy Funding for Sandia National Laboratory Environmental Restoration Activities

SUMMARY:

The Water Protection Advisory Board (WPAB) is requesting the Water Authority Board encourage the New Mexico congressional delegation support the U.S. Department of Energy's budget proposal that increases the funding for the environmental restoration activities at the Sandia National Laboratories. The WPAB is also providing the Water Authority Board with a *Summary of Concerns* document that lists the environmental restoration activities as provided by the local environmental advocacy group, "Our Endangered Aquifer Working Group". The document was presented to WPAB during their June 8, 2012 meeting.

FISCAL IMPACT:

None



J. Lawrence Barela, *Chair*
Erik K. Webb, *Vice Chair*
Rip Anderson
Michael J. Bitner
John S. Derr

Steve Glass
Tom McHugh
Elizabeth H. Richards
Jennifer Thacher

Water Protection Advisory Board
c/o ABCWUA
P.O. Box 568
Albuquerque, NM 87103

HAND-DELIVERED

August 10, 2012

Chairman Ken Sanchez
City of Albuquerque
P.O. Box 568
Albuquerque, New Mexico 87102

Re: Increased Funding for DOE-NNSA Environmental Restoration Projects

Dear Chairman Sanchez:

Your Water Protection Advisory Board (WPAB) requests that the WUA governing board voice its support of the Department of Energy's National Nuclear Security Administration (DOE-NNSA) proposed increase in funding for environmental restoration projects on the Sandia National Laboratories' (SNL's) property, and include this issue in your federal legislative agenda.

The WPAB was recently presented with some salient concerns from members of the public and an environmental advocacy group, "Our Endangered Aquifer Working Group" (OEAWG), regarding the status and adequacy of funding for the lab's environmental restoration projects. OEAWG members feel that insufficient progress has been made by the DOE towards conformance with a 2004 Compliance Order on Consent being enforced by the New Mexico Environment Department NMED and that contamination from these former operational areas are threats to nearby Water Authority production wells.

DOE-NNSA is requesting \$5 million in its FY 2013 Congressional Budget proposal for SNL's environmental restoration programs, which is approximately sixty-six percent (66%) more than its current enacted funding. Increased funding will be used for additional soil vapor and groundwater characterization activities at designated areas, including the TA-V site.

The WPAB respectfully requests that WUA Governing Board consider OEAWG's concerns enclosed with this letter and take formal action towards encouraging the New Mexico congressional delegation to support the increased funding for the environmental restoration and monitoring of the sites that threaten our drinking water supply by including this critical funding issue in your federal legislative priorities.

Sincerely,

A handwritten signature in cursive script that reads 'Jennifer A. Thacher'.

Dr. Jennifer Thacher, WPAB Member

Enclosure

Cc: Mayor Richard J. Berry
Vice Chairman Wayne A. Johnson
Commissioner Art De La Cruz
Councilor Rey Garduno
Councilor Trudy E. Jones
Mr. Robert J. Perry
Commissioner Maggie Hart Stebbins
Trustee Pablo R. Rael

Mr. Rick Sena (copy mailed to U.S. DOE/NNSA/Sandia Site Office, PO Box 5400, MS 0184,
Albuquerque, NM 87185-5400)

Dr. Paul Hommert (copy mailed to Sandia National Laboratories, PO Box 5800 MS 0101,
Albuquerque, NM 87185-0101)

J. Lawrence Barela (recusal w/memo to file)

Erik Webb (recusal w/memo to file)

WPAB Correspondence File

**Our Endangered Aquifer Working Group's
Summary of Concerns
For the
Sandia National Laboratory's Environmental Restoration Activities**

Background

- The National Nuclear Security Administration (NNSA) provide the funding necessary for completion of environmental management and remediation activities at Sandia National Laboratory in Albuquerque as needed to achieve restoration of damaged areas of the irreplaceable Middle Rio Grande aquifer our community relies on for our drinking water.
- The environmental remediation tasks remaining to be completed at Sandia National Laboratories identified in the FY 2013 Congressional Budget and regulated by the April 2004 Compliance Order on Consent issued under authority of the New Mexico Hazardous Waste Act include:
 - Three groundwater “areas of concern” – Technical Area-V (TAV), Tijeras Arroyo Groundwater and the Burn Site identified in the 2009 DOE Sandia Site Office of Environmental Restoration Summary;
 - Administrative regulatory closure of the Mixed Waste Landfill and 26 soil release sites; and
 - Groundwater assessment/closure at five soil release sites identified by the New Mexico Environment Department.

Concerns

- Contaminants released from these legacy sites within the boundaries of Sandia Laboratories and its host, Kirtland Air Force Base, has reached or threatens to reach the aquifer that provides Albuquerque its drinking water.
- Current and proposed (FY 2013) funding may not be sufficient to complete the needed activities as quickly as possible, however, increased Environmental Restoration funding by 65.9% is a step in the right direction.
- NNSA/Sandia Site Office and Sandia National Laboratories are not appropriating other funding streams appropriately towards necessary environmental management and remediation activities.

Albuquerque Bernalillo County

Water Utility Authority

Customer Opinion Survey

July 2012



Methodology

Research Objectives:

To measure:

- Customer satisfaction with the services provided by Water Authority.
- Importance of various services and programs.

Data Collection Method:

Telephone interviews

Total Sample Size:

n=500 Residential Customers

n=101 Commercial Customers

Field Dates:

May 16 – June 14, 2012

Margin of Error:

$\pm 4.4\%$ at 95% confidence level
(residential)

Overall Satisfaction with Services

Residential:

Overall Satisfaction with the Services Received from the Water Authority: Reliability and Quality

*Total Residential Sample (n=500)
Ranked by Highest Percentage "Very Satisfied"*

		Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	DK/ WS
Reliability and availability of water to your home/business	2012	86%	12%	1%	1%	0%
	2010	83%	15%	*	*	1%
	2008	83%	15%	1%	*	*
Reliable drainage of wastewater from your home to the city sewer line	2012	76%	16%	2%	1%	5%
	2010	75%	19%	3%	*	2%
	2008	73%	23%	1%	1%	2%
Quality of drinking water	2012	48%	31%	12%	6%	3%
	2010	50%	31%	12%	5%	3%
	2008	48%	34%	9%	6%	3%
Education on water issues	2012	44%	40%	4%	1%	10%
Water conservation programs	2012	43%	33%	6%	2%	15%

* Less than 1% reported.

Overall Satisfaction with Services (cont.)

Residential:

Overall Satisfaction with the Services Received from the Water Authority: Reliability and Quality

*Total Residential Sample (n=500)
Ranked by Highest Percentage "Very Satisfied"*

		Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	DK/ WS
Effectiveness controlling odors from sewer lines or treatment facilities	2012	43%	25%	6%	3%	24%
	2010	56%	25%	4%	1%	14%
	2008	48%	28%	5%	3%	16%
Effectiveness repairing leaks and response time for restoration of service	2012	31%	29%	8%	3%	29%
	2010	32%	32%	7%	1%	28%
	2008	26%	29%	4%	4%	37%
Condition of the sewer lines throughout the city	2012	26%	35%	9%	7%	24%
	2010	30%	38%	8%	2%	22%
	2008	28%	29%	10%	6%	27%

* Less than 1% reported.

Overall Satisfaction with Services *(cont.)*

Residential:

Overall Satisfaction with the Services Received from the Water Authority: Reliability and Quality

*Total Residential Sample (n=500)
Ranked by Highest Percentage "Very Satisfied"*

		Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	DK/ WS
Condition of the water lines throughout the city	2012	25%	31%	17%	9%	19%
	2010	26%	43%	12%	3%	15%
	2008	26%	30%	17%	6%	21%
Effectiveness to respond to overflows or backups and response time for restoring service	2012	25%	27%	7%	1%	40%
	2010	31%	25%	5%	2%	39%
	2008	24%	24%	4%	3%	45%
Ease of navigating and finding information on the Water Authority's website	2012	15%	7%	2%	0%	75%
	2010	13%	25%	5%	1%	69%
	2008	10%	9%	2%	1%	78%

Residential Contact with Water Authority

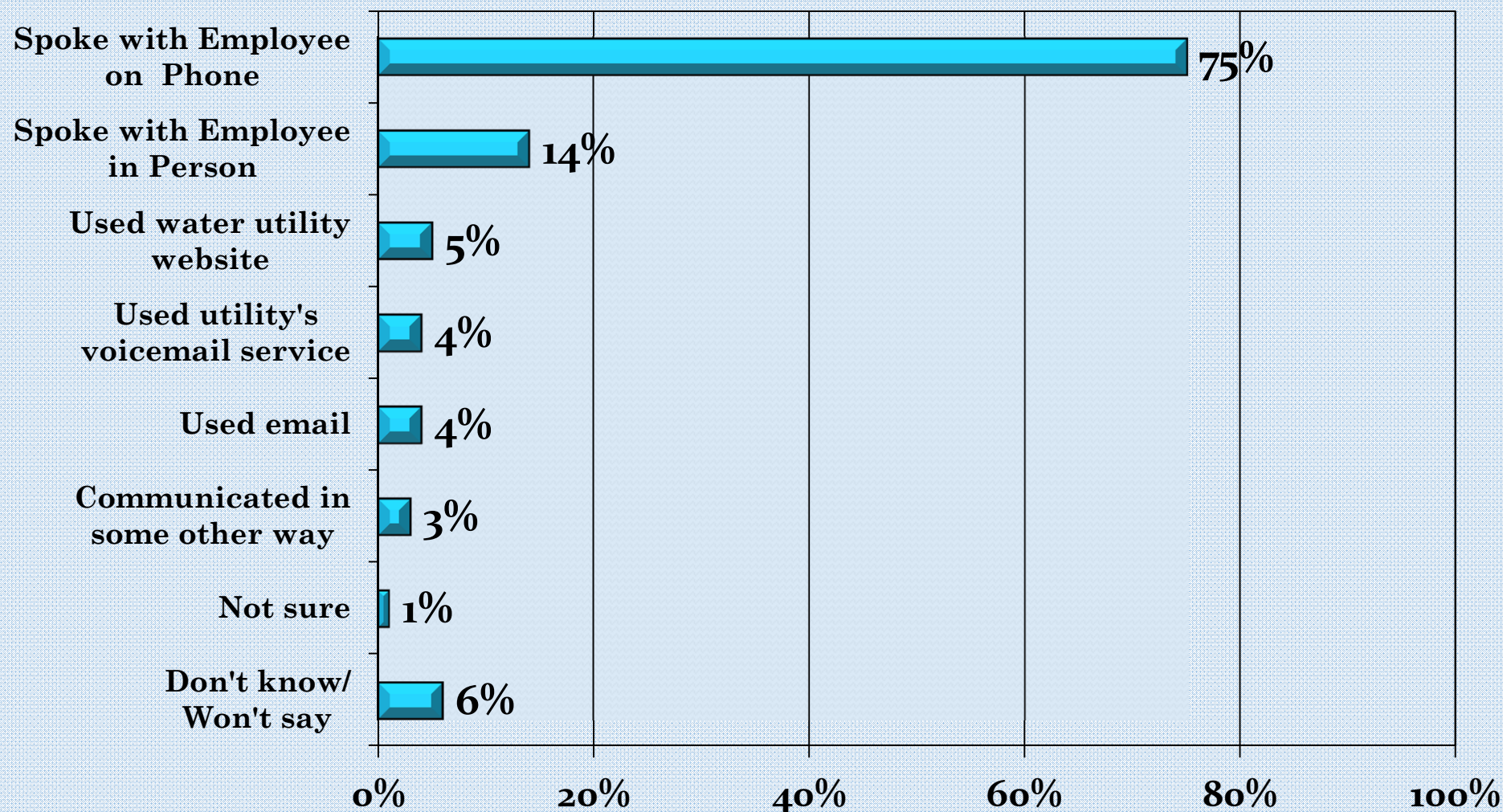
Residential: Contact and Satisfaction with Customer Service

Ranked by Highest Percentage "Have Contacted"

	Yes, Have Contacted	Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	DK/ WS
Problems or questions with a water/sewer bill	17%	33%	23%	14%	26%	3%
Water service interruption or main line break	9%	31%	19%	18%	28%	5%
Questions about meter readings	8%	28%	14%	9%	47%	2%
Advice on water conservation or leak prevention	5%	37%	26%	12%	10%	16%
New connection for service	1%	48%	52%	0%	0%	0%

Means of Communicating with Water Authority Employees

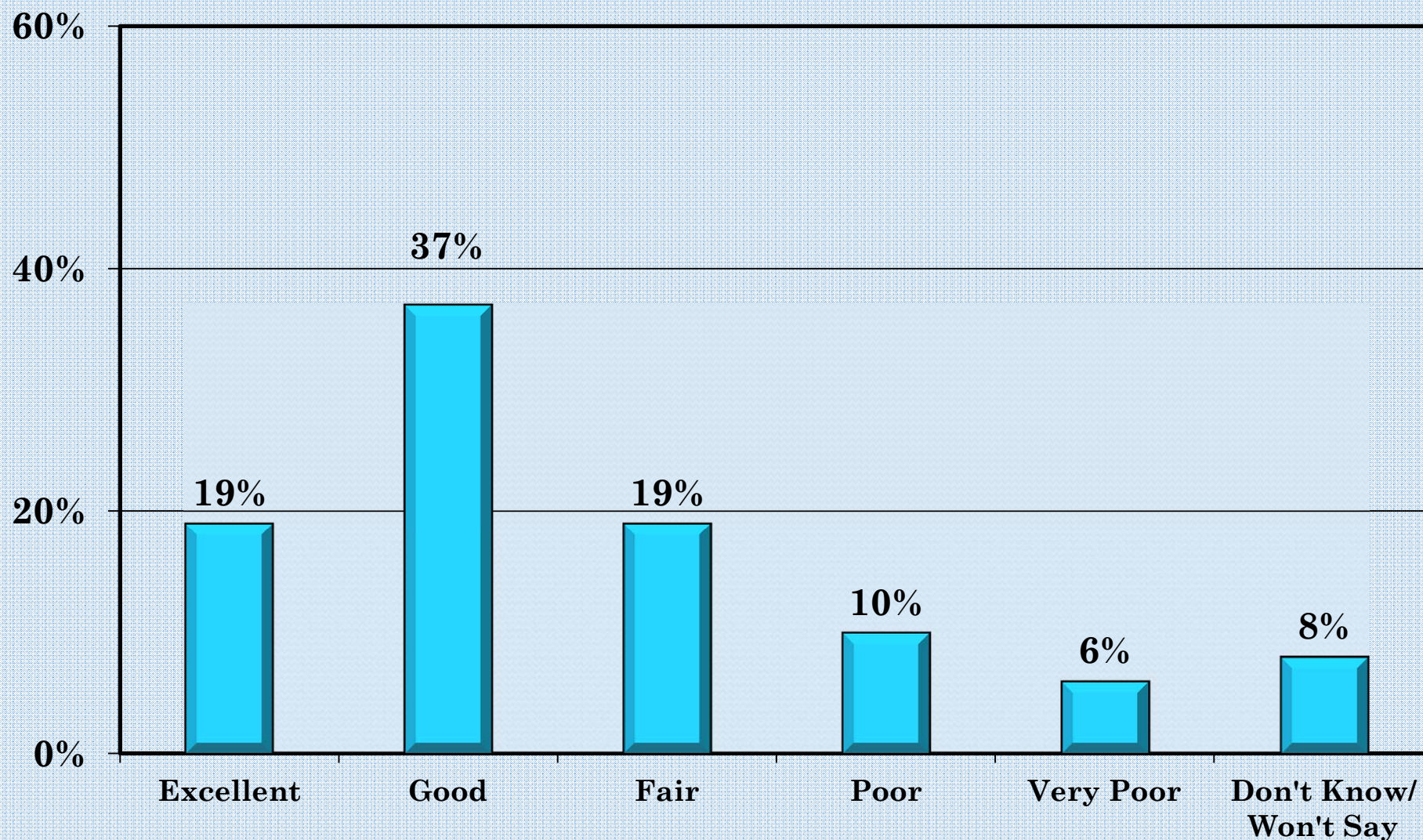
Among Residential Customers Who Have Contacted the Water Authority (n=131)



Note: The sum of the percentages exceeds 100% due to multiple responses.

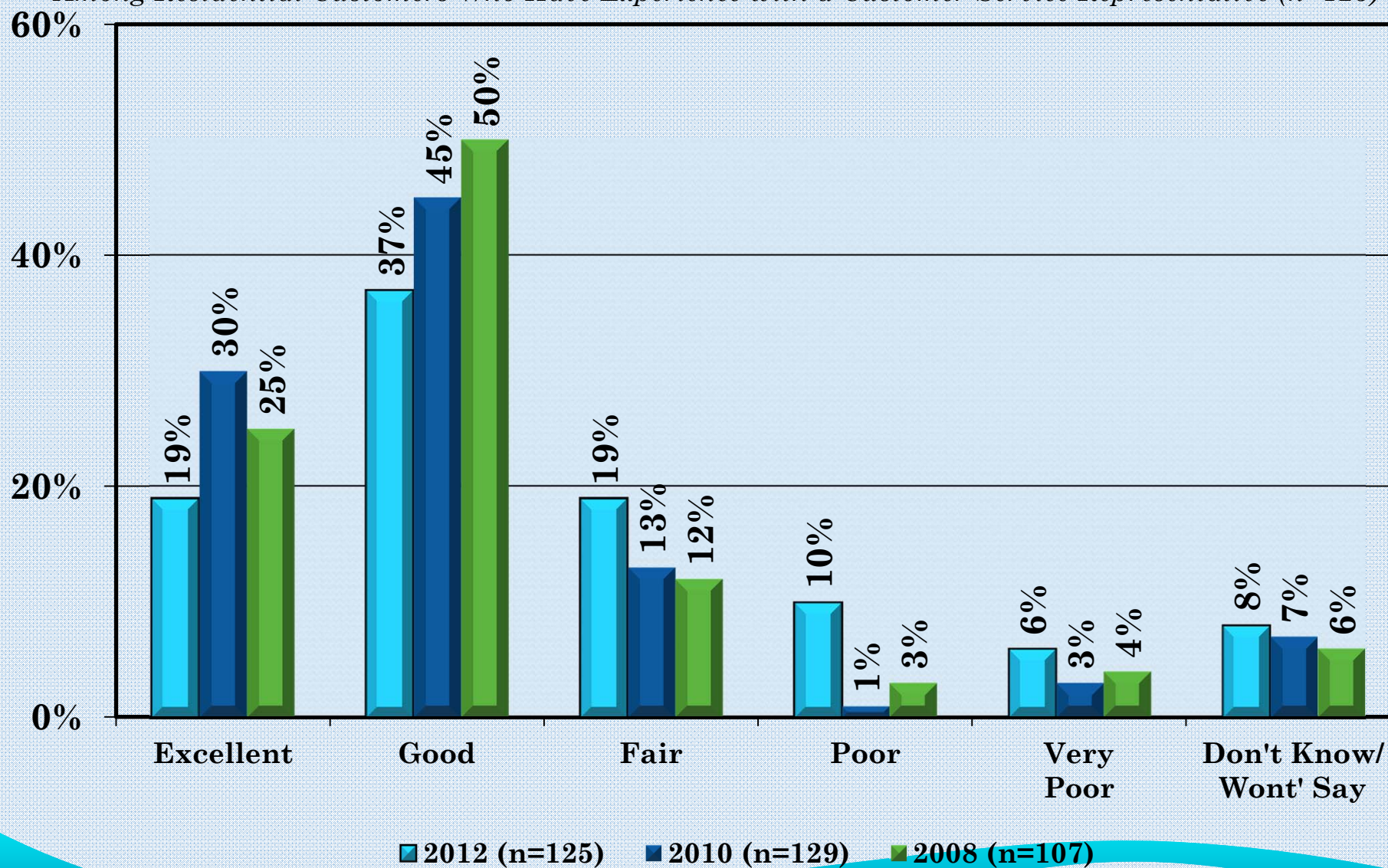
Overall Rating of the Customer Service Representative

Among Residential Customers Who Have Experience with a Customer Service Representative (n=125)



Tracking Results: Overall Rating of the Customer Service Representative

Among Residential Customers Who Have Experience with a Customer Service Representative (n=125)



Customer Service Satisfaction

Residential:

Satisfaction with the Customer Service Representatives

Among Those Who Have Experience with Customer Service Representatives (n=125)

Ranked by Highest Percentage “Very Satisfied”

	Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	DK/ WS
Courtesy of the customer service representative	54%	27%	3%	5%	11%
Knowledge and ability to answer your questions or resolve your issues	47%	19%	14%	11%	9%
Length of wait to speak with a customer service representative	31%	37%	8%	5%	19%

Overall Satisfaction with Billing Services

Residential: Overall Satisfaction with Billing Services

*Residential Total Responses (n=494)
Ranked by Highest Percentage "Very Satisfied"*

		Very Satisfied	Somewhat Satisfied	Somewhat Dissatisfied	Very Dissatisfied	Don't Know/ Won't Say
Understanding the bill format and water usage graph	2012	59%	28%	5%	1%	8%
	2010	56%	35%	3%	1%	5%
Billing payment options	2012	58%	24%	2%	2%	15%
	2010	63%	29%	1%	*	7%
Billing statement accuracy	2012	57%	31%	4%	2%	7%
	2010	61%	31%	3%	1%	4%

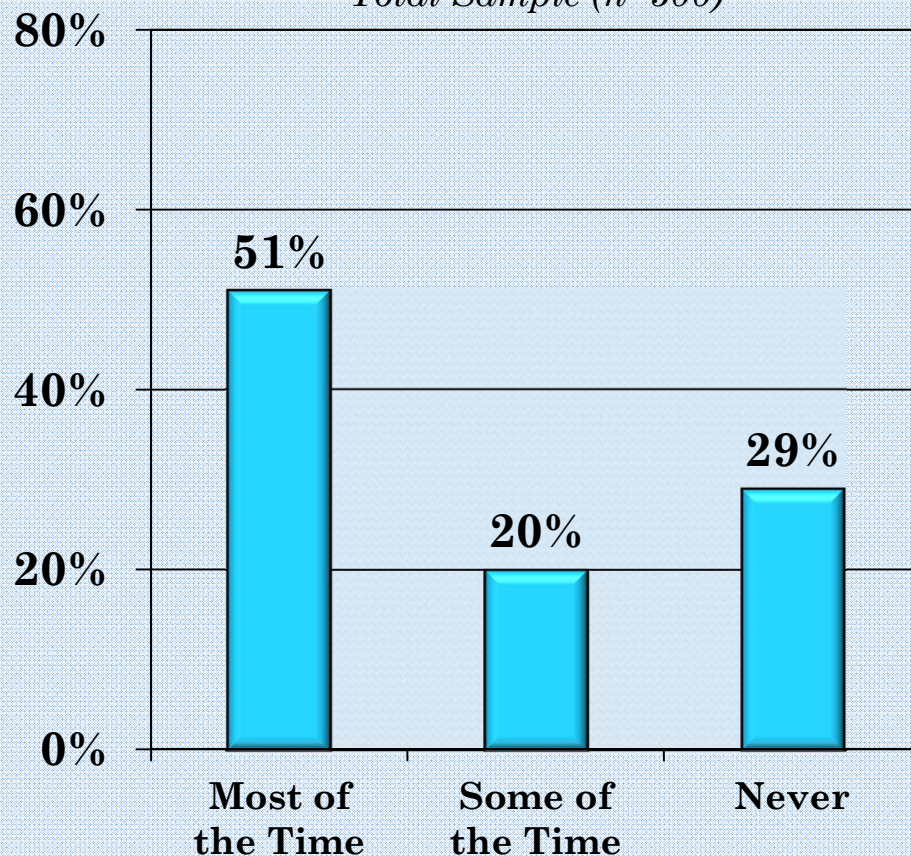
Awareness of Tap Water Source

	<i>Total Residential Sample</i>		
	<i>2012</i>	<i>2010</i>	<i>2008</i>
Both (surface and aquifer)	47%	48%	26%
An underground aquifer	28%	29%	50%
Surface water, such as from the Rio Grande	12%	10%	3%
Somewhere else	3%	4%	4%
Don't know/won't say	11%	9%	16%

Utilization of Bottled Water or Filtered Tap Water for Drinking or Cooking

Utilization of Bottled/Filtered Water

Total Sample (n=500)



Reasons for Using Bottled/Filtered Water

*Among Those Who Use Bottled/Filtered Water
Top 6 Unaided Responses
(n=335)*

Taste	46%
Convenience	34%
Impurities	11%
Chemicals	8%
Contamination	8%
Lack of confidence	7%

Importance of Water Conservation and Environmental Issues

*Residential Total Sample (n=500)
Ranked by Highest Percentage "Very Important"*

	Very Important 5	4	Total % Important	Mean †
Providing a long-term water supply for future generations	81%	12%	93%	4.7
Reusing treated wastewater to irrigate public spaces	67%	20%	87%	4.5
The quality of treated water returned back to the river	64%	18%	82%	4.5
Investing in the repair and replacement of old water and sewer lines	61%	25%	86%	4.4
Enforcing laws on water waste	61%	20%	81%	4.3
Balancing population and economic growth with our water availability	59%	21%	80%	4.4
Improving regional water quality	59%	19%	78%	4.3
Increasing water conservation programs	56%	21%	77%	4.2

† The mean score is derived by taking the average score based on the 5-point scale. The Very important response is assigned a value of 5; the Not at all Important response is assigned a value of 1. The Don't Know/Won't Say responses are excluded from the calculation of the mean.

Importance of Water Conservation and Environmental Issues *(cont.)*

*Residential Total Sample (n=500)
Ranked by Highest Percentage "Very Important"*

	<i>Very Important 5</i>	<i>4</i>	<i>Total % Important</i>	<i>Mean †</i>
Balancing customer water demand with protection of habitat for wildlife and vegetation in the Rio Grande corridor	48%	24%	72%	4.1
Providing more <u>outdoor</u> conservation rebates	47%	26%	73%	4.1
Providing more <u>indoor</u> conservation rebates	47%	23%	70%	4.0
Making water available to attract and keep high-tech industries that offer good-paying jobs	40%	28%	68%	3.9
Providing more billing payment options	20%	16%	36%	3.0

† The mean score is derived by taking the average score based on the 5-point scale. The Very important response is assigned a value of 5; the Not at all Important response is assigned a value of 1. The Don't Know/Won't Say responses are excluded from the calculation of the mean.

Agreement with Statements About Water Rates and Services

*Residential Total Sample (n=500)
Ranked by Highest Percentage "Strongly Agree"*

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	DK/WS
I follow the "Water by the Numbers" program when setting my irrigation schedule.	62%	16%	4%	6%	12%
Household would conserve more water if they had an easier way to monitor their water use.	45%	30%	12%	7%	7%
Water and sewer services are a good value for the amount of money I pay.	43%	41%	9%	4%	2%
The cost of water is an important factor for me when deciding how much water to use.	43%	32%	14%	10%	0%
There should be strong financial penalties for people who use too much water.	41%	30%	14%	12%	3%

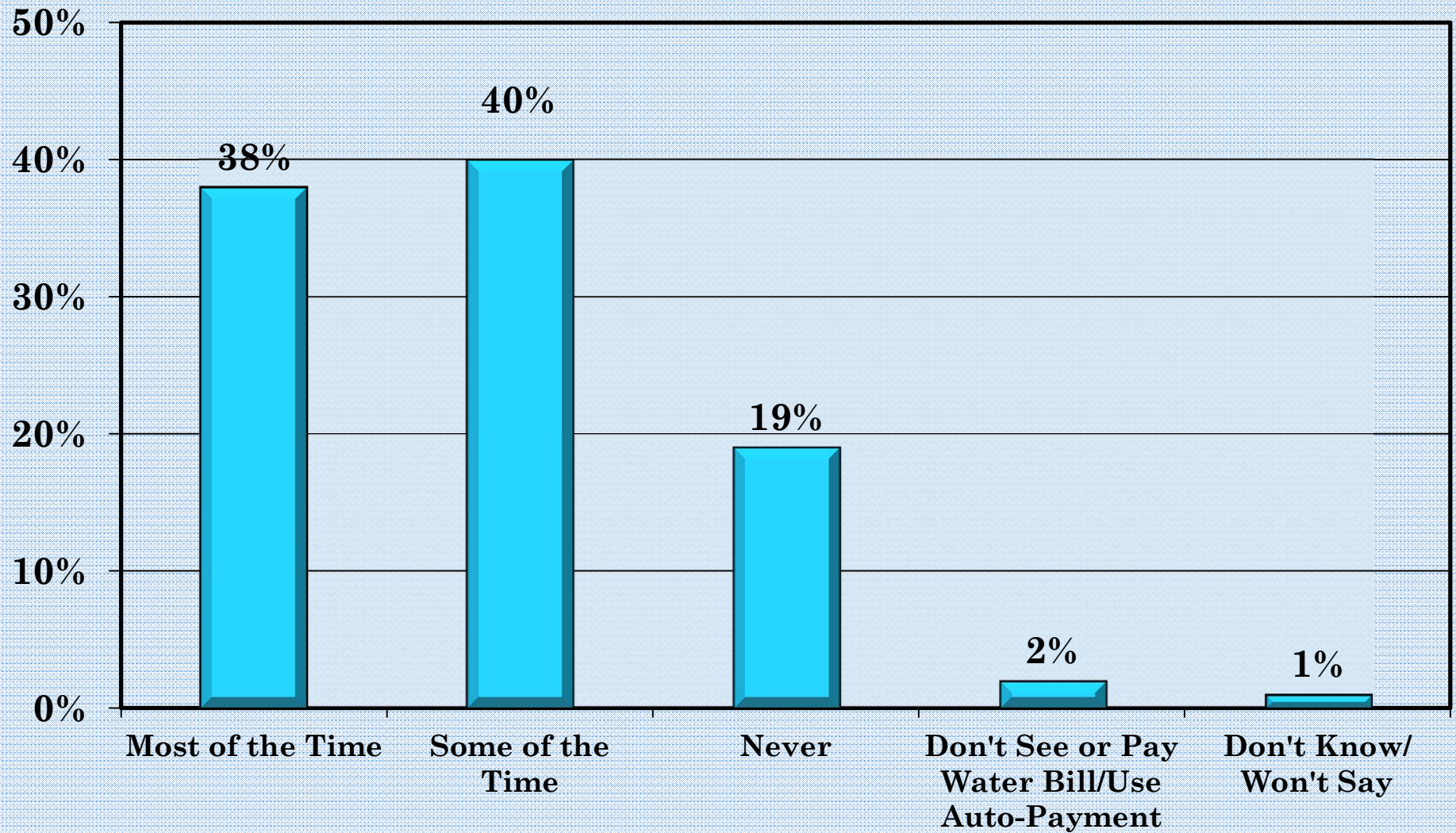
Agreement with Statements About Water Rates and Services *(cont.)*

*Residential Total Sample (n=500)
Ranked by Highest Percentage "Strongly Agree"*

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	DK/WS
Because water is a scarce resource, water rates should be designed to reflect the value of water in our daily lives.	30%	37%	14%	15%	4%
Water rates should be increased to cover the cost of providing a reliable water supply for future generations.	25%	34%	18%	19%	3%
Water rates should be increased to cover the true costs to treat and deliver water to our homes and businesses.	21%	32%	20%	23%	5%
Water rates should be increased to encourage water conservation.	12%	23%	22%	39%	4%

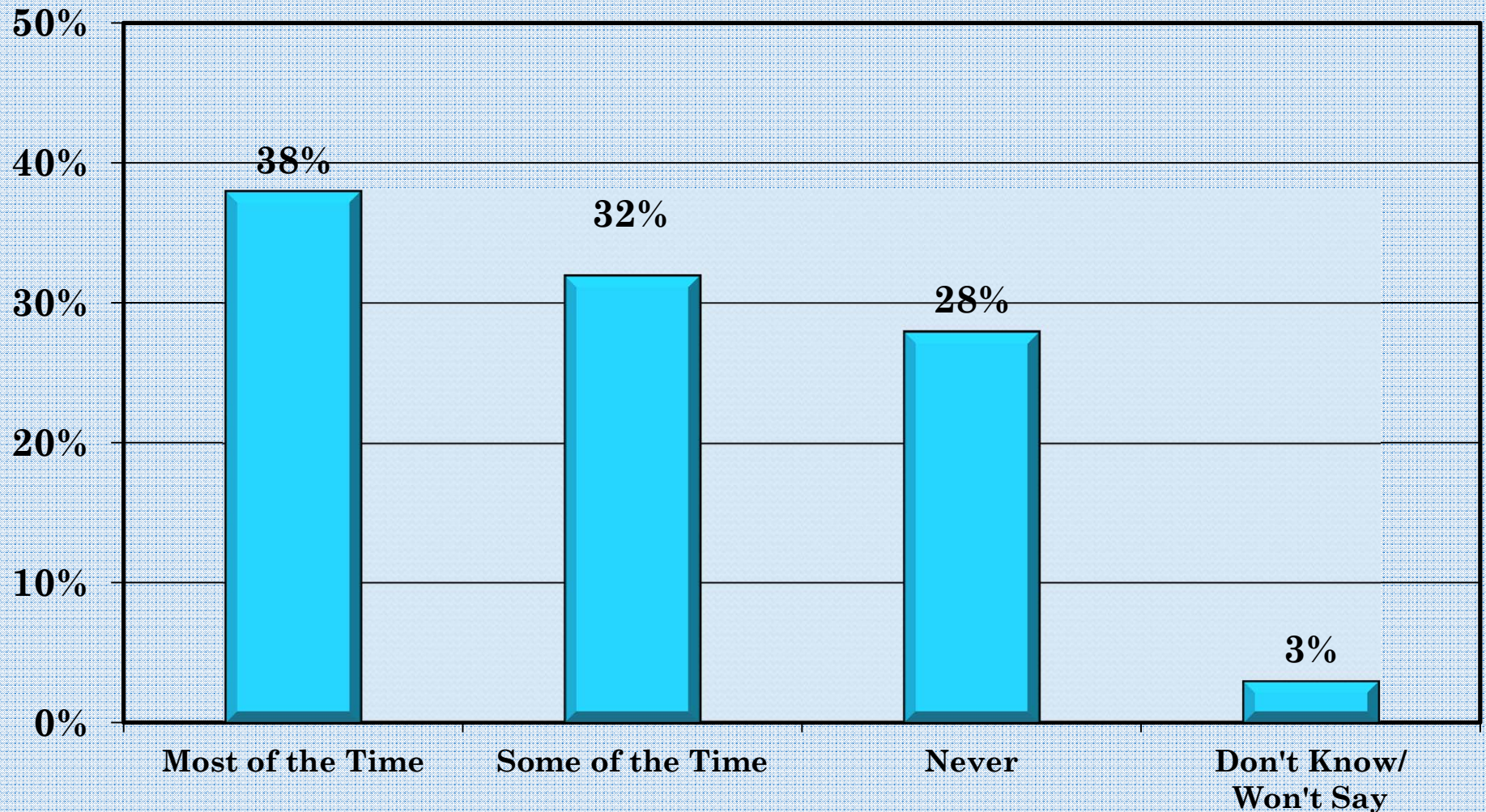
Readership Level of Bill Insert or Bill Message in Water Bill

Residential Total Sample (n=500)



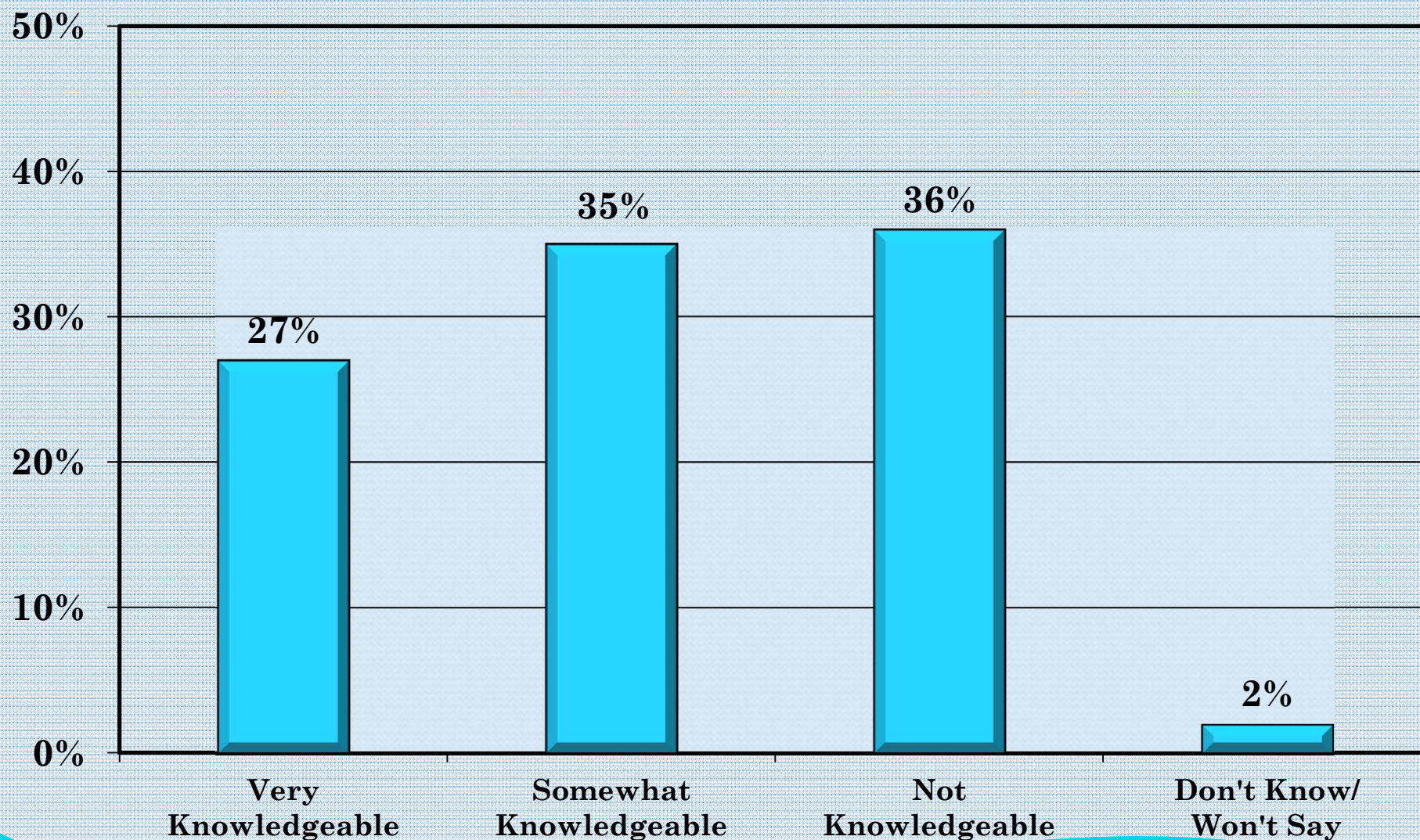
Readership Level of Annual Water Quality Report Mailed Every Spring

Residential Total Sample (n=500)



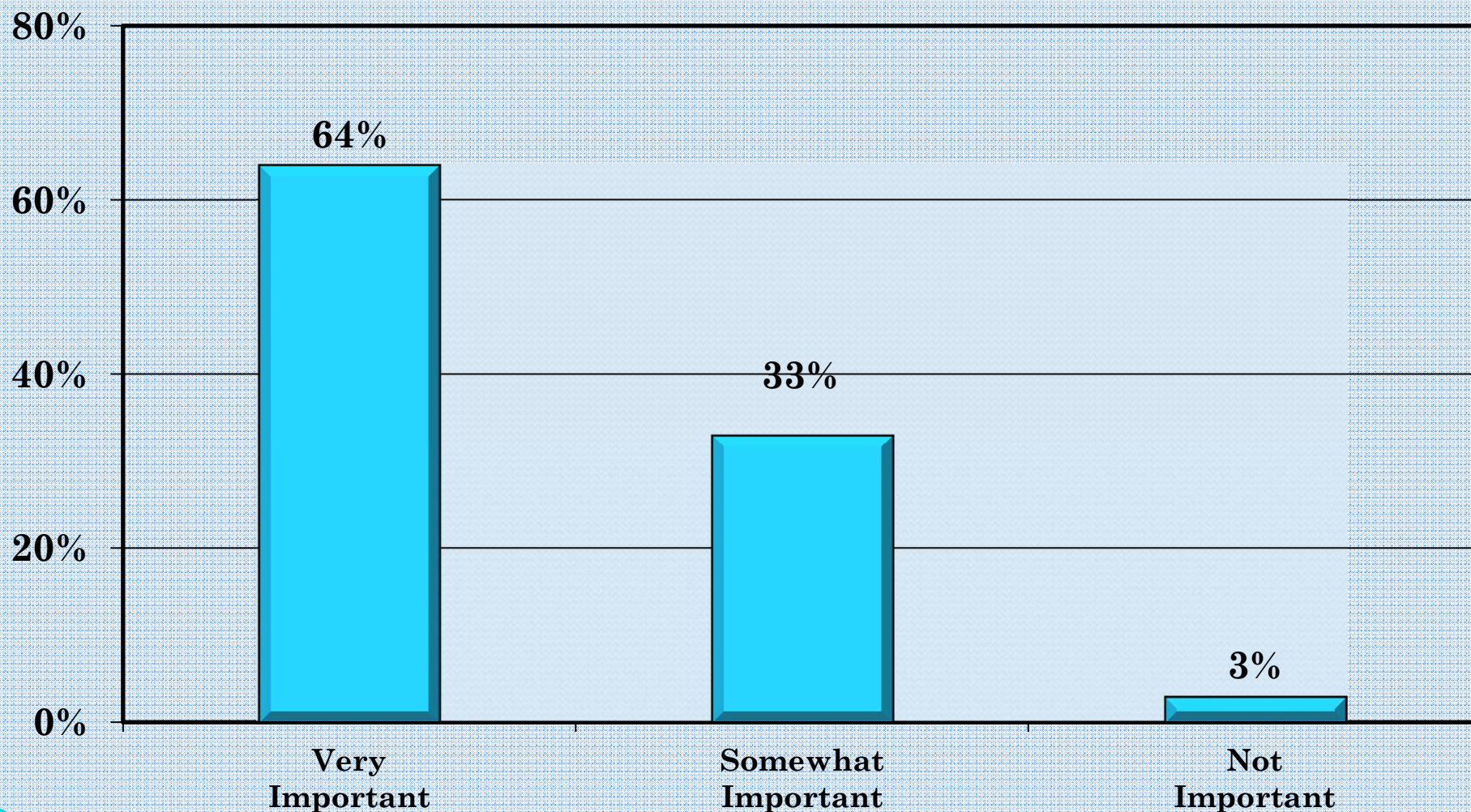
Awareness & Knowledge of Kirtland Air Force Base Fuel Spill

Residential Total Sample (n=500)



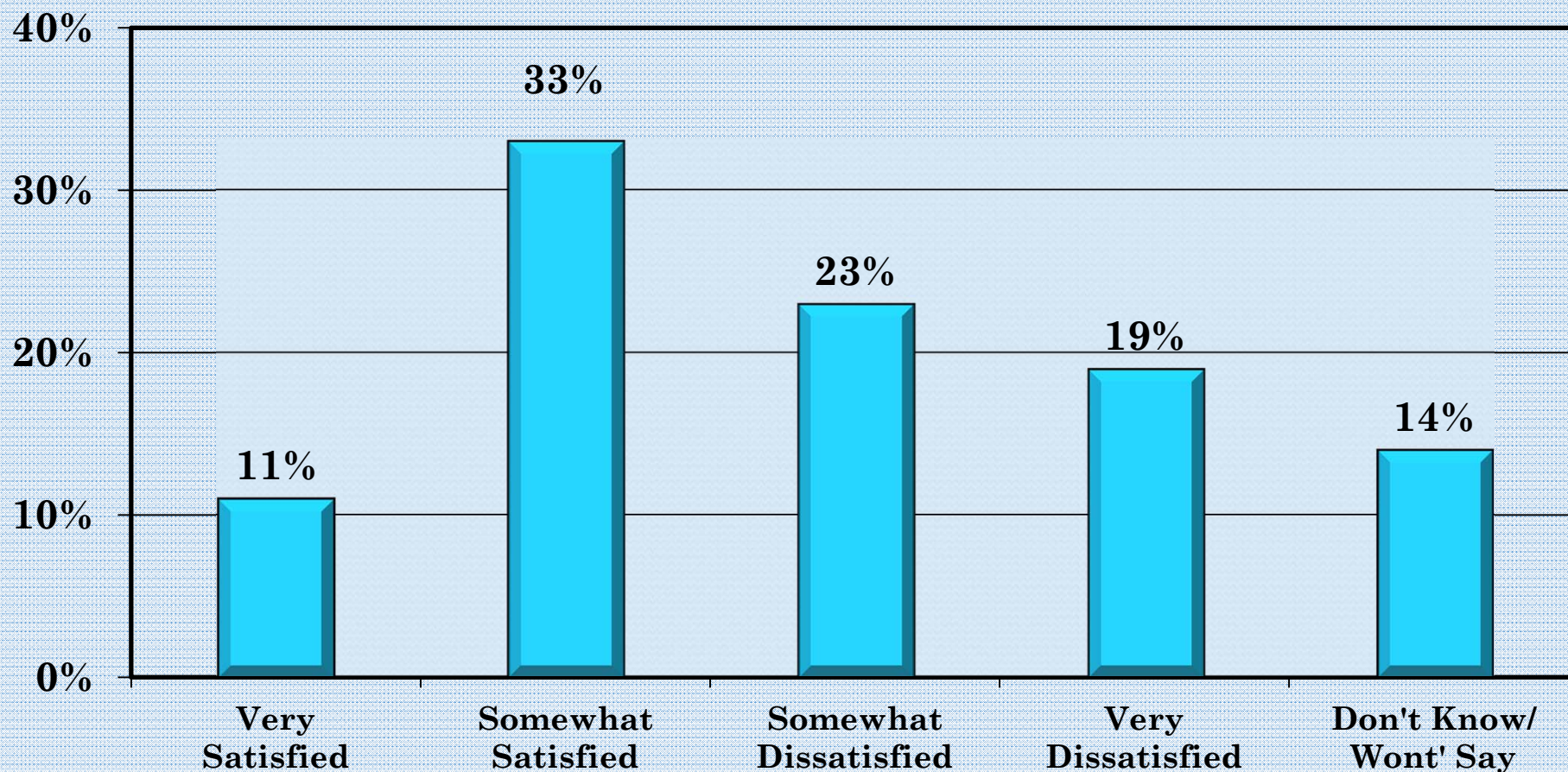
Level of Importance that Kirtland Air Force Base Cleans Up the Fuel in the Groundwater

Among Those Who Are Aware of the Fuel Spill
Residential Total Responses (n=313)



Overall Satisfaction with Kirtland Air Force Base's Effectiveness in Addressing the Fuel Contamination

*Among Those Who Are Aware of the Fuel Spill
Residential Total Responses (n=305)*



DROUGHT AND WATER USE UPDATE

Water Authority Board

August 22, 2012



Albuquerque Bernalillo County
Water Utility Authority



Albuquerque, NM

Home Site Map News Organization Search for: NWS All NOAA Go

Local forecast by
"City, St" or Zip Code

City, St Go

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Current Hazards

Local
Nationwide
Outlooks
Storm Report

Forecasts

Local
Forecast Discussion
Activity Planner
Graphical
Winter Weather
Fire Weather
Aviation Weather
Product Selector
Local Modeling

Current Weather

Observations
Satellite Images
Rivers/Lakes
Precip Estimate
Hydrology

Radar Imagery

Nationwide
Albuquerque [ABX]
Cannon [FDX]

Climate

Local
National
More...
Monsoon Awareness

Weather Safety

Get Prepared
Weather Radio
SKYWARN

Additional Info

Our Office/Outreach
Coop Program



Drought Summary

[Current Calendar Year Review](#) | [Current Water Year Review](#) | [Temperature and Precipitation Outlooks](#)

[Hydrologic Summary](#) | [Other Hydrologic/Climate Information](#) | [Related Web Sites](#)

U.S. Drought Monitor

August 14, 2012

Valid 7 a.m. EST

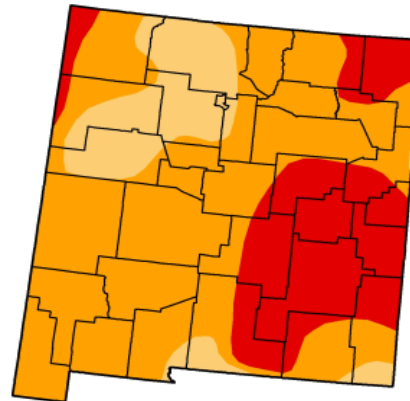
New Mexico

Drought Conditions (Percent Area)

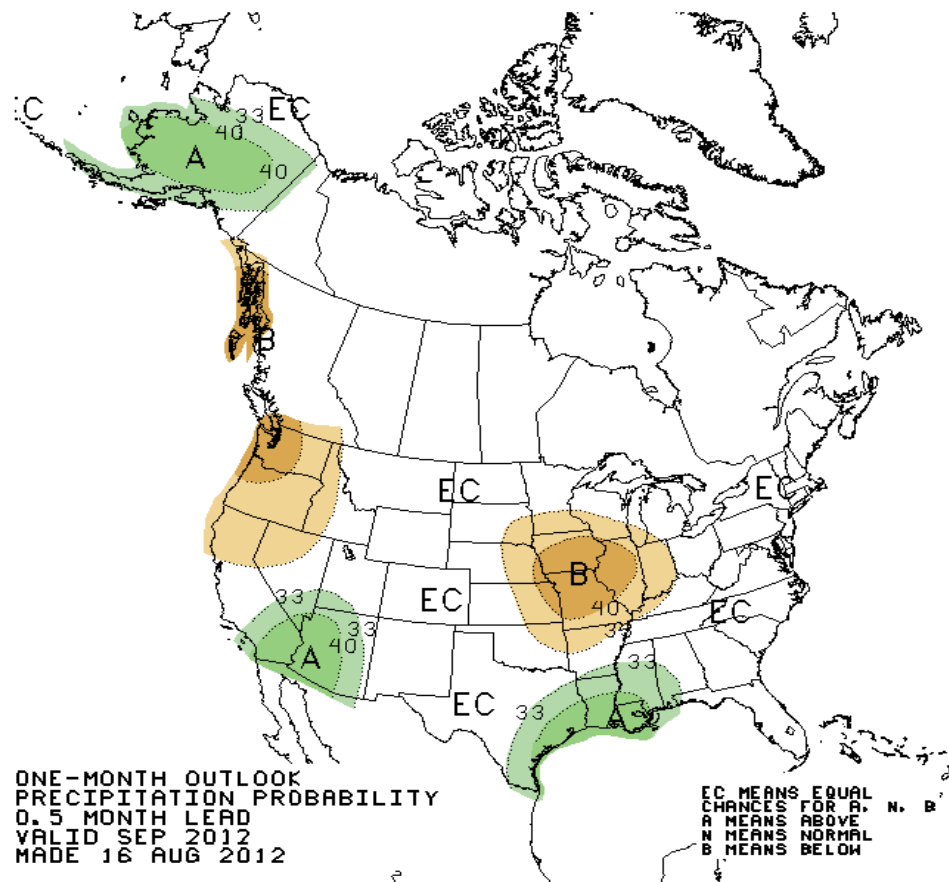
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	85.11	25.88	0.00
Last Week (08/07/2012 map)	0.00	100.00	99.93	80.24	25.74	0.00
3 Months Ago (05/15/2012 map)	0.00	100.00	96.20	62.63	23.99	0.67
Start of Calendar Year (12/27/2011 map)	8.63	91.37	87.60	72.15	23.37	7.57
Start of Water Year (09/27/2011 map)	0.00	100.00	96.40	88.99	69.61	35.13
One Year Ago (08/09/2011 map)	0.00	100.00	100.00	93.16	77.31	47.30

Intensity:

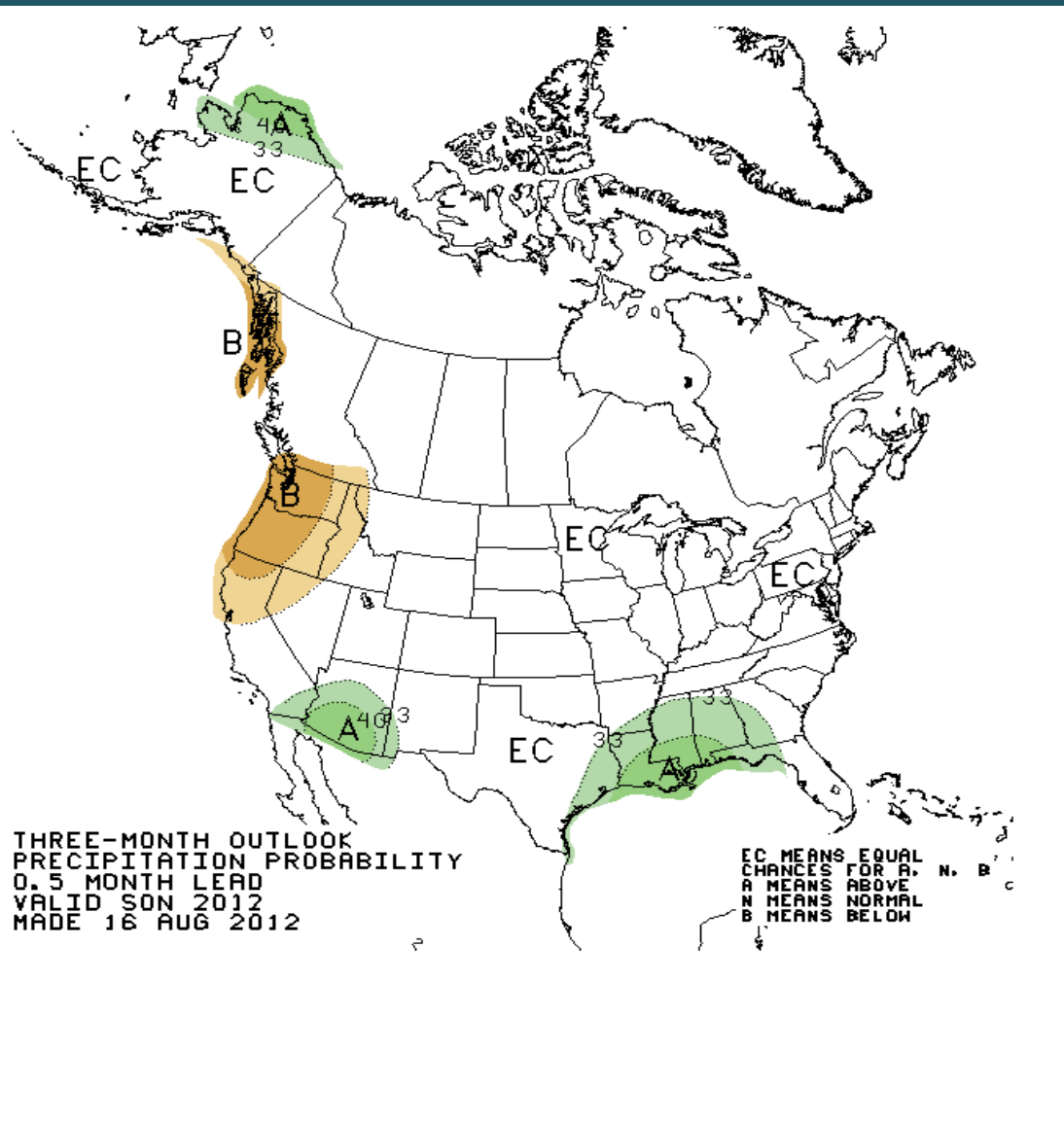
D0 Abnormally Dry D3 Drought - Extreme
 D1 Drought - Moderate D4 Drought - Exceptional
 D2 Drought - Severe



Albuquerque Bernalillo County
Water Utility Authority



Albuquerque Bernalillo County
Water Utility Authority



Albuquerque Bernalillo County
Water Utility Authority

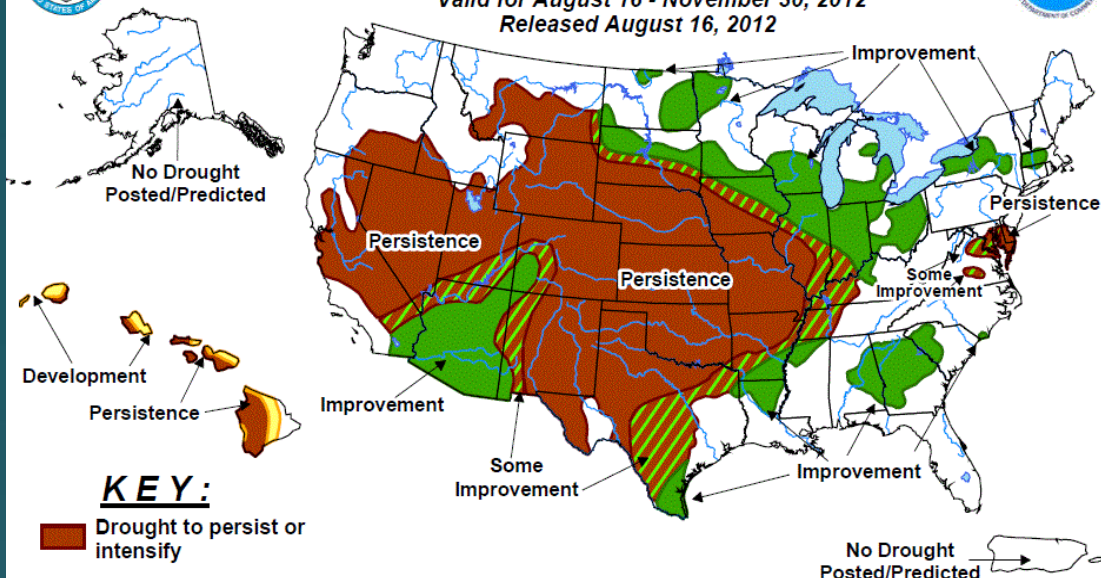


U.S. Seasonal Drought Outlook

Drought Tendency During the Valid Period

Valid for August 16 - November 30, 2012

Released August 16, 2012



KEY:

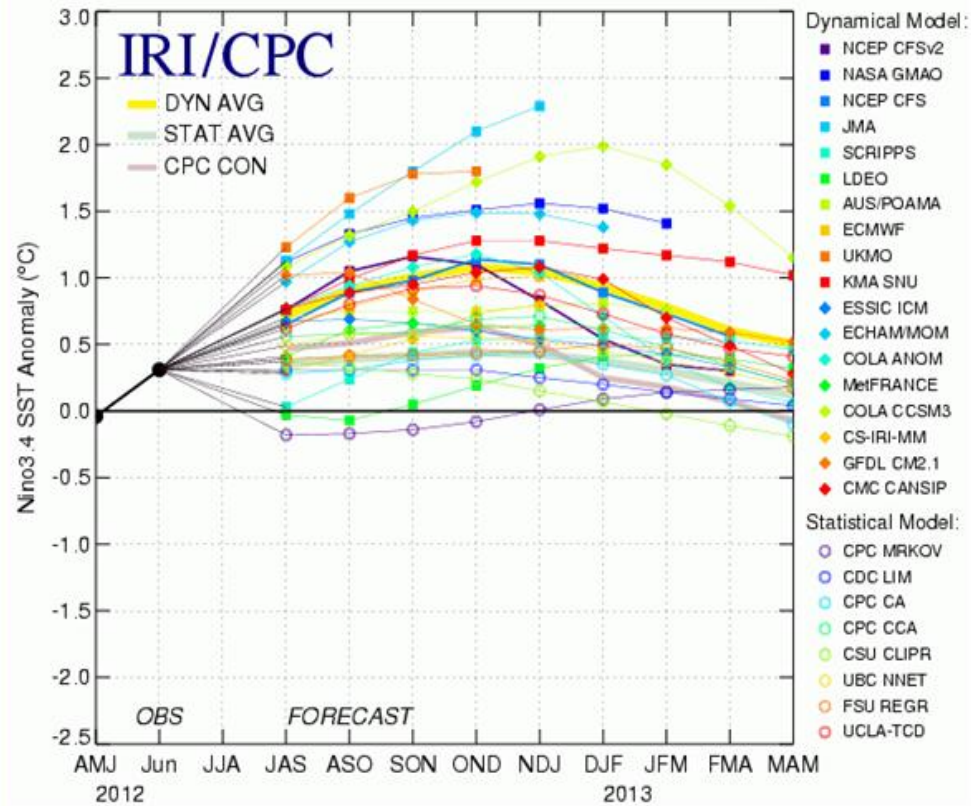
- Drought to persist or intensify
- Drought ongoing, some improvement
- Drought likely to improve, impacts ease
- Drought development likely

Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Short-term events -- such as individual storms -- cannot be accurately forecast more than a few days in advance. Use caution for applications -- such as crops -- that can be affected by such events. "Ongoing" drought areas are approximated from the Drought Monitor (D1 to D4 intensity). For weekly drought updates, see the latest U.S. Drought Monitor. NOTE: the green improvement areas imply at least a 1-category improvement in the Drought Monitor intensity levels, but do not necessarily imply drought elimination.

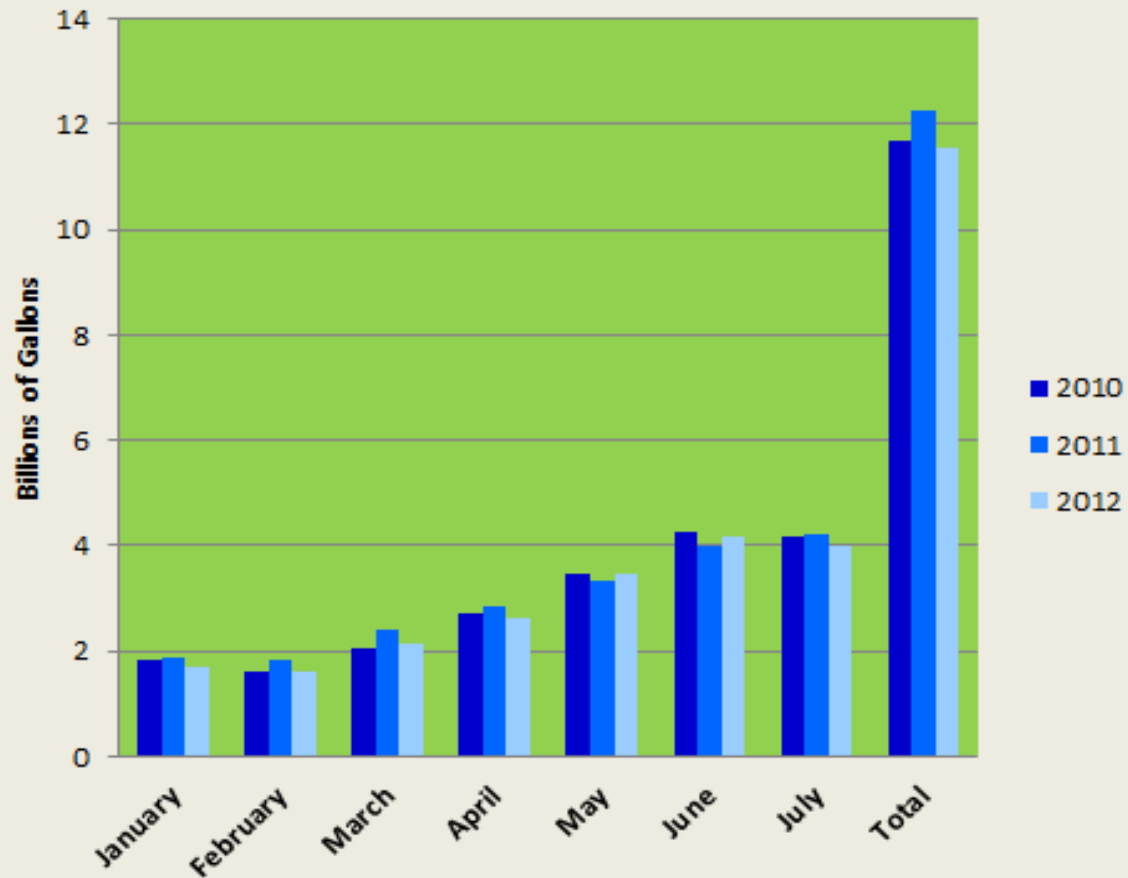


Albuquerque Bernalillo County
Water Utility Authority

Mid-Jul 2012 Plume of Model ENSO Predictions



Water Authority Monthly Water Production 2010, 2011 and 2012



Albuquerque Bernalillo County
Water Utility Authority