



Albuquerque Bernalillo County Water Utility Authority

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

Agenda

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

Wednesday, January 16, 2013

4:00 PM

Vincent E. Griego Chambers

1. **CALL TO ORDER**
2. **INVOCATION/PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES - November 28, 2012**
4. **PROCLAMATIONS AND AWARDS**
 - A. **Quarterly Employee Awards**
5. **PUBLIC COMMENT**
6. **ANNOUNCEMENTS/COMMUNICATIONS**
 - A. **Next Scheduled Meeting - February 27, 2013 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. **R-13-1** Setting an Official List of Albuquerque Bernalillo County Water Utility Authority Meetings for Calendar Year 2013
 - B. **R-13-2** Determining Reasonable Notice of Public Meetings of the Albuquerque Bernalillo County Water Utility Authority
 - C. **C-13-1** Recommendation of Award for Indoor and Outdoor Water Conservation Contract to SmartUse - P2013000008

9. APPROVALS

- A. **R-12-14** Protecting Albuquerque's Water Supply
- B. **R-13-3** Authorizing the Albuquerque Bernalillo County Water Utility Authority to Submit an Application for WaterSmart Grant Financial Assistance for the Solar Electric Facility Project
- C. **C-12-25** Amending the Water Authority Rules of Practice and Procedure
- D. **C-13-2** Service Connection Agreement for Water and Sewer Service with Rio Rancho Eagle, LLC at 5751 McMahon NW

10. OTHER BUSINESS

- A. **OB-13-1** Election of Officers
- B. **OB-13-2** Status of Water Authority Activities Related to the KAFB Bulk Fuels Facility Spill
- C. **OB-13-3** Drought and Water Use 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.

Albuquerque Publishing Company

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(505) 823-7777



Water Utility Authority

ALBUQUERQUE BERNALILLO
COUNTY WATER UTILITY
AUTHORITY

NOTICE IS HEREBY GIVEN that the Albuquerque Bernalillo County Water Utility Authority will conduct its January 2013 Board meeting Wednesday, January 16, 2013 at 4:00 P.M. in the Vincent E. Griego Chambers of the Albuquerque Bernalillo County Government Center, Basement Level, One Civic Plaza NW.

Agendas may be picked up at the Albuquerque Bernalillo County Water Utility Authority Office, One Civic Plaza NW 5th Floor Room 5012.

NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance to participate in this meeting, please contact the Water Authority Office, Suite 5012, Albuquerque/Bernalillo County Government Center, phone 768-2500 or by the TTY 1-800-659-8331, as soon as possible prior to the meeting date. Public documents, including the agendas and minutes, can be provided in various accessible formats. Please contact the Executive Director of the Water Authority at the Water Authority Office if a summary or other type of accessible format is needed.

Journal: January 11 - 15, 2013

Ad Proof / Order Confirmation

Account Number

1008879

Ad Order Number

0001037014

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Albuquerque Bernalillo County Water Utility Authority

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

Public Comment Sign In Sheet – January 16 , 2013

Name	Contact Info (email or phone number)
✓ Michael Jensen	mjensen@amigosbraves.org 362-1063
✓ Dave McCoy	
✓ Jim McKay	
✓ Joseph Wexley	
✓ PAUL ROBINSON	srkcpaul@earthlink.net

Meeting Date: January 16, 2013
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: Quarterly Employee Incentive Awards

ACTION: Information Only

SUMMARY:

EMPLOYEE RECOGNITION AWARDED RECAP

Second Quarter FY 13

<u>NAME</u>	<u>AWARDED</u>	<u>SUMMARY</u>
Lisa Carreon	\$200	Among other things, Lisa coordinated a "giving Tree" with Joy Junction that provided gifts to 94 children from Water Authority employees.
Arthur Hernandez	\$200	Arthur is recognized for his voluntary service on a critical training advisory committee for Treatment Plant Operators.
Robert Moraga Antonio Anaya Ian Amos Eddie Gallegos Patrick Bayardo Joey Sanchez	\$200 each	These gentlemen are recognized for being commended to Mayor Berry by a citizen for the excellent work they did on a repair at Rio Grande and Cherokee NW late last year.
Daniel Garcia Kamyar Kia Juan Aldaba David Carruthers Jimmy Vigil Gregory Baca Ronald Strauch Ruben Martinez	\$200 each	Helped coordinate our participation in PNM's Peak Saver Program, which resulted in almost \$300,000 in energy savings for the Water Authority.
Anita Lowrie	\$250	Anita was the top customer service call-taker for the quarter, answering more than 4,400 in-bound calls with a less-than-3% abandon rate.

Edward Chavez

\$200

Among other achievements, Edward invented an air valve device for draining oil reservoirs that will shave hours off of the process.

FISCAL IMPACT:

None. The award amounts are budgeted yearly.

Meeting Date: January 16, 2013
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: R-13-1 - Setting an Official List of Albuquerque Bernalillo County Water Utility Authority Meetings for Calendar Year 2012

ACTION: Recommend Approval

SUMMARY:

The Albuquerque Bernalillo County Water Utility Authority (Water Authority) Rules of Practice and Procedure require that in January of each year the Water Authority adopt a schedule of meetings. This resolution would establish the third Wednesday of each month, except for conflicts with City Council meetings, as the regular meeting date of the Water Authority. It also provides the notice requirements of the meetings as well. The schedule of meetings would provide a monthly meeting with the exception of July.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-13-1

1 **RESOLUTION**
2 **SETTING AN OFFICIAL LIST OF ALBUQUERQUE BERNALILLO COUNTY WATER**
3 **UTILITY AUTHORITY MEETINGS FOR CALENDAR YEAR 2013**

4 WHEREAS, the Albuquerque Bernalillo County Water Utility Authority (Water
5 Authority) Rules of Practice and Procedure in Article I, Section 1 require that the Water
6 Authority pass a resolution determining the schedule and reasonable public notice of
7 meetings.

8 BE IT RESOLVED BY THE WATER AUTHORITY:

9 Section 1. That the official list of regular Water Authority meeting dates for
10 calendar year 2013 are as follows: January 16, February 27, March 20, April 17, May
11 22, June 19, August 21, September 18, October 23, November 20, December 18 and
12 January 15, 2014.

13 Section 2. That notice for regular meetings shall continue to be five days in
14 advance of Water Authority meetings and 72 hours for special meetings and emergency
15 meetings shall provide 24 hours notice unless the threat of personal injury or property
16 damage requires less notice or as is permitted by the nature of the emergency and in
17 compliance with the State of New Mexico Open Meetings Act,.
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[+Bracketed Material+] - New
[-Bracketed Material-] - Deletion

Meeting Date: January 16, 2013
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: R-13-2 - Determining Reasonable Notice of Public Meeting of the Albuquerque Bernalillo County Water Utility Authority

ACTION: Recommend Approval

SUMMARY:

This Resolution fulfills the requirements of Section 10-15-1 (D) of the Open Meetings Act, which states that an affected public body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body.

The Water Authority notice requirements exceed state law.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-13-2

1 **RESOLUTION**

2 **DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE**
3 **ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY**

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

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

15 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the
16 Albuquerque Bernalillo County Water Utility Authority (Water Authority) to determine
17 at least annually what constitutes reasonable notice of its public meetings.

18 **BE IT RESOLVED BY THE WATER AUTHORITY:**

19 Section 1. Meetings of the Water Authority shall normally be held at the Vincent
20 E. Griego Chambers, lower level of the Albuquerque/Bernalillo County Government
21 Center at One Civic Plaza, near the intersection of Fifth Street and Marquette
22 Avenue, NW, Albuquerque, New Mexico.

23 Section 2. Meetings will be held each month on the dates specified by Water
24 Authority resolution. Generally, Water Authority meetings are regularly held at 5
25 p.m. on the third Wednesday of each month. Reasonable notice for regular
26 meetings shall be five (5) days prior to the meeting and the agenda shall be 72
27 hours where practicable or as required by law, but shall be available at least twenty-

1 four (24) hours prior to the meeting at the office of the Albuquerque Bernalillo County
2 Water Utility Authority located on the fifth floor, Room 5012, Albuquerque/Bernalillo
3 County Government Center.

4 Section 3. Special meetings may be called by the Chair of the Water Authority
5 upon seventy-two (72) hours' notice. The notice shall include information on how
6 members of the public may obtain a copy of the agenda. The agenda shall be
7 available to the public at least twenty-four (24) hours before any special meeting.

8 Section 4. Emergency meetings will be called only under circumstances when
9 an unexpected occurrence or condition, or the state resulting therefrom requires
10 immediate consideration or action to protect the health, safety and property of
11 citizens or to protect the public body from substantial financial loss. The Water
12 Authority will avoid emergency meetings whenever possible. Emergency meetings
13 may be called by the Chair of the Water Authority upon twenty-four (24) hours
14 notice, unless the threat of personal injury or property damage requires less notice.
15 The notice for all emergency meetings shall include an agenda for the meeting or
16 information on how the public may obtain a copy of the agenda.

17 Section 5. For the purpose of meetings described in Section 2 of this
18 resolution, notice requirements are met if notice of the date, time and place is placed
19 in one or more newspapers of general circulation in Albuquerque, published on the
20 Water Authority website at www.abcwua.org at least five (5) days prior to the
21 meeting and/or posted in the lobby of the Albuquerque/Bernalillo County
22 Government Center.

23 Section 6. For the purpose of special meetings and emergency meetings
24 described in Sections 3 and 4 of this resolution, notice requirements shall be met by
25 posting notice of the date, time, place and agenda in the lobby of the
26 Albuquerque/Bernalillo County Government Center. The Executive Director of the
27 Water Authority shall also provide telephone notice to those broadcast stations
28 licensed by the Federal Communications Commission and newspapers of general
29 circulation in Albuquerque that have made a written request for notice of public
30 meetings.

31 Section 7. In addition to the information specified above, all notices shall
32 include the following language:

1 "NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require
2 special assistance to participate in this meeting, please contact the Water Authority
3 Office, Suite 5012, Albuquerque/Bernalillo County Government Center, phone 768-
4 2500 or by the TTY 1-800-659-8331, as soon as possible prior to the meeting date.
5 Public documents, including the agendas and minutes, can be provided in various
6 accessible formats. Please contact the Executive Director of the Water Authority at
7 the Water Authority Office if a summary or other type of accessible format is
8 needed."

9 Section 8. Cancellations and different meeting times and places may be
10 announced at prior meetings of the Water Authority.

11 Section 9. Minutes or a transcription shall be made of all open meetings with
12 at least the following minimal information:

13 A. Date, time, and place of meeting;

14 B. Names of members present;

15 C. A general statement of each discussion topic and of how each
16 member voted on any motion before the Water Authority. A draft copy of the
17 minutes shall be available within three (3) working days prior to the next meeting.
18 Minutes become official when approved by the Water Authority at a subsequent
19 meeting.

20 Section 10. Closed meetings shall not be held except as provided in Open
21 Meetings Act.

22 Section 11. All or any part of this resolution may be amended or modified by
23 the Committee from time to time.

24 Section 12. All ordinances, resolutions, rules or parts thereof, inconsistent
25 herewith, are hereby repealed to the extent only of such inconsistency. This
26 repealer shall not be construed to revive any ordinance, resolution, rule or part
27 thereof heretofore repealed.

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Meeting Date: January 16, 2013
Staff Contact: Katherine Yuhas, Water Conservation Officer

TITLE: C-13-1 - Recommendation of Award for Indoor and Outdoor Water Conservation Contract to SmartUse – P2013000008

ACTION: Approval Recommended

SUMMARY:

The City of Albuquerque Department of Finance and Administrative Services, Purchasing Division released a request for proposals (RFP) for indoor and outdoor audit services in October of 2012.

Only one response was submitted but it received an excellent rating (2,975.5 out of a possible 3,000 points). The bidder is the current contractor for this program and has received excellent recommendations for their work from both Water Authority staff and the public. Because there is only one bidder, the protest period is being waived. The agreement provides up to three one-year renewals.

FISCAL IMPACT: Funding in the amount of \$350,000 is budgeted in Water Resources contractual services to support this service to customers.



Memo

To: Mark Sanchez, Executive Director
From: Katherine Yuhas, Water Conservation Officer *KY*
Date: 12/13/2012
Re: Recommendation of Award, P2013000008, Water Conservation Indoor and Outdoor Audit Program

The City of Albuquerque Department of Finance and Administrative Services, Purchasing Division, issued the subject Request for Proposals (RFP) for the Albuquerque Bernalillo County Water Utility Authority to solicit proposals from qualified vendors to provide Water Conservation Indoor and Outdoor Audit Program services.

The RFP was posted on the Sicomm website and advertised in the local newspaper. One (1) response was received and submitted for evaluation.

The ad hoc evaluation committee reviewed, evaluated, and scored the response in accordance with the evaluation criteria published in the RFP.

The committee recommended the award of contract to Smart Use, LLC, the only respondent submitting a response and meets all requirements of the RFP.

I concur with the committee's recommendation. Listed is the respondent's composite score:

<u>Offeror</u>	<u>Total Composite Score</u>
Smart Use, LLC	2,988 of 3,000

Since only one response was received, I recommend that the protest be waived.

Water Authority Board approval is required for this procurement. Negotiations with the vendor shall begin immediately upon your approval.

Approved:

Recommended:

[Signature] 11/7/13
 Mark Sanchez Date
 Executive Director

[Signature] 12/13/12
 Katherine Yuhas, Date
 Water Conservation Officer

Attachment: Composite Score Sheet

Original: Thomas Courtin, Senior Buyer, ABCWUA, DFAS
Copy: Ramona Martinez, Materials Management Officer, DFAS
File: P2013000008

**Water Conservation Indoor and Outdoor Audit Program
P2013000008**

EVALUATOR	EVALUATION CRITERIA	EVALUATION FACTORS	OFFERORS			
			Smart Use, LLC			
CE KY SS	The Offeror's general approach and plans to meet the requirements of the RFP.	Up to 100	98			
			100			
			100			
SUB TOTAL			298	0	0	0
CE KY SS	The Offeror's detailed plans to meet the objectives of each task, activity, etc. on the required schedule.	Up to 200	198			
			200			
			200			
SUB TOTAL			598	0	0	0
CE KY SS	Experience and qualifications of the Offeror and personnel as shown on staff resumes to perform tasks described in Part 3, Scope of Services.	Up to 200	198			
			200			
			200			
SUB TOTAL			598	0	0	0
CE KY SS	Adequacy of proposed project management and resources to be utilized by the Offeror.	Up to 100	98			
			100			
			100			
SUB TOTAL			298	0	0	0
CE KY SS	The Offeror's past performance on projects of similar scope and size.	Up to 100	98			
			100			
			100			
SUB TOTAL			298	0	0	0
CE KY SS	The overall ability of the Offeror, as judged by the evaluation committee, to successfully complete the project within the proposed schedule. This judgment will be based upon factors such as the project management plan and availability of staff and resources.	Up to 200	198			
			200			
			200			
SUB TOTAL			598	0	0	0
SUB TOTAL TECHNICAL SCORE			2688	0	0	0
DM KY SS	Cost Proposal - The costs proposed by the Contractor as described in Section 2.2 of this RFP to perform the tasks listed in Part 3, Scope of Services. The evaluation of this section will occur after the technical evaluation, based on a cost/price analysis.	Up to 100	100			
			100			
			100			
SUB TOTAL			300	0	0	0
SUB TOTAL COMPOSITE SCORE			2988	0	0	0
5% LOCAL BUSINESS PREFERENCE						
5% SMALL BUSINESS PREFERENCE						
TOTAL COMPOSITE SCORE			2988.0	0.0	0.0	0.0

Meeting Date: January 16, 2013
Contact: Councilor Rey Garduño
Staff Contact: Rick Shean, Water Quality Hydrologist

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

ACTION: Final Action

SUMMARY:

The Resolution directs Water Authority staff to enter into negotiations with KAFB for an agreement that will save Albuquerque’s drinking water resource. The agreement shall include requirements for KAFB to place ground water monitoring equipment as close as possible to the Ridgecrest municipal wells. The agreement should include the requirement for KAFB to begin the investigation for technologies and installation of water treatment facilities for the wells including financial assurance and to halt the further movement of the liquid LNAPL jet fuel and to plan for and implement remediation technology to address the long-term contamination of soils and the aquifer.

Councilor Rey Garduño sponsored this Resolution.

FISCAL IMPACT:

None

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.

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Meeting Date: January 16, 2013
Staff Contact: John Stomp, Chief Operating Officer

TITLE: R-13-3 – Authorizing the Water Authority to Submit an Application for WaterSMART Grant Financial Assistance for the Solar Electric Facility Project

ACTION: Recommend Approval

SUMMARY:

The Water Authority is seeking WaterSMART grant funding assistance for its Solar Electric Facility Project. This project will provide clean renewable energy to the Water Authority's San Juan-Chama Drinking Water Plant, an 84 MGD surface water treatment facility serving more than 600,000 people. The project will generate 1.1 megawatt of electricity which is a critical component and significant step in achieving the Water Authority's long-term objective of reduced reliance on fossil fuels, reduced power costs, and reduced carbon emissions. At completion and including Renewable Energy Credits (REC's) created by this installation, the project is expected to pay for itself in approximately seven years. The project is estimated to provide 30% of the 3.7 MW average electrical demand at the Drinking Water Plant.

FISCAL IMPACT:

The total project design budget is \$600,000. The Water Authority will be providing a 50% match with its contribution at \$300,000 which will come from Water Authority CIP funds.

1 PASSED AND ADOPTED THIS 16th DAY OF November, 2013
2 BY A VOTE OF: _____ FOR _____ AGAINST.

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Yes:
No:
Excused:

Ken Sanchez, Chair

ATTEST:

Mark S. Sanchez, Executive Director



Meeting Date: January 16, 2013
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: C-12-25 - Amending the Water Authority Rules of Practice and Procedure

ACTION: Recommend Approval

SUMMARY:

Board Chair, Councilor Sanchez requested that a Finance/Audit Committee of the Board be established to meet on a periodic basis. The Committee would consist of the Chair, Vice-Chair and one additional member appointed by the Chair.

The purpose of the Committee is to stay informed on finances, budget, external audit and internal audit functions. With the Water Authority's move away from the City of Albuquerque's financial/accounting system, CAFR, and audit functions, the Committee will help provide some oversight into these areas.

Chairman Sanchez also requested that the Water Authority establish an internal audit function to begin the process of testing and developing internal controls to better prepare for the separation from the City of Albuquerque's financial/accounting system in July 2013. Additionally, the internal auditor will provide a risk assessment and work plan for next fiscal year.

FISCAL IMPACT:

None.

Albuquerque Bernalillo County Water Utility Authority

RULES OF PRACTICE AND PROCEDURE

AMENDING THE FOLLOWING SECTION:

Section 3. POWERS AND DUTIES OF THE CHAIR AND VICE-CHAIR.

A. The Chair shall call the Members to order, and upon a quorum being present, shall proceed to business.

B. The Chair shall possess the powers and perform the duties herein described, to wit the Chair:

1. Shall preserve order and decorum and have general direction of the Council/Commission Chambers or any location where the Authority holds its meetings.

2. Shall assign bills and have the responsibility for preparation of the agenda and dissemination of the agenda with the public notice for the meeting.

3. Shall decide all questions of order, subject to a member's right to appeal to the Authority as a whole.

4. Shall speak to points of order in preference to other members.

5. May speak, as other Members, on general questions from his or her chair.

6. Shall vote upon all questions in the same manner as other Members.

7. Shall announce the result promptly on the completion of every vote.

8. Sign, along with other members, official documents and actions passed by the Authority, as required.

9. Shall receive all formal messages and communications.

C. In the absence of the Chair, upon his or her inability to act, or upon request of the Chair, the Vice-Chair shall preside and shall have all the powers and authority of the Chair.

[+ D. The Chair, Vice Chair and one additional member shall serve as a finance/audit committee. +]

Meeting Date: January 16, 2013
Staff Contact: Allan Porter, Principal Engineer, Utility Development

TITLE: C-13-2 – Service Connection Agreement for Water and Sewer Service with Rio Rancho Eagle, LLC at 5751 McMahan NW

ACTION: Recommend Approval

SUMMARY:

Rio Rancho Eagle LLC desires to connect to existing water and wastewater infrastructure located in 5751 McMahan NW. The property is undeveloped land planned for a Dialysis Center near the corner of McMahan and Unser which is located outside the Water Authority's Service Area, but within the City of Albuquerque. No additional infrastructure requirements are needed to provide water and wastewater service to this property other than a service agreement approved by the Water Authority Board.

As a condition of service, the owner will be required to:

- Comply with the ordinances, resolutions, plans, and regulations of the Water Authority
- Obtain concurrent water and wastewater service
- Pay the Utility Expansion Charge (UEC) at the rates that are imposed at the time of a service connection
- Pay the Water Supply Charge

FISCAL IMPACT:

None

SERVICE CONNECTION AGREEMENT
Rio Rancho Eagle, LLC
7519 Brooklyn Ave. NE
Seattle, WA 98115

Albuquerque Bernalillo County Water Utility Authority, a New Mexico political subdivision (“Water Authority”) and Rio Rancho Eagle, LLC, whose address is 7519 Brooklyn Ave. NE, Seattle, WA 98115, agree as follows:

1. Recitals

- A.** Rio Rancho Eagle, LLC (“Owner”) is the owner of 5751 McMahon NW, Albuquerque, NM 87114 (Legal Description: Lot D-1, Lands of Zolin/Kunath Tres Esquinas LLC) (“Property”), more particularly described and as shown in the Availability Statement for the Property. The Availability Statement for the Property reflecting request for service referred to in this Agreement is attached hereto as **Exhibit A** and incorporated herein by reference.
- B.** The property is located outside the Water Authority’s Service Area within the region previously serviced by NMUI.
- C.** The Owner desires to connect to existing water and waste water infrastructure in Pinon Verde.
- D.** Water service to the Property will be taken from the existing 8 inch water line in Pinon Verde. Wastewater service to the Property will tie into the existing 8 inch sewer line also located in Pinon Verde. Installation of services shall be performed under the standard tapping permit or mini-work order process.
- E.** A Water Supply Charge will be assessed against the Property as it was platted after July 15, 2007 and therefore subsequent to the implementation of the Water Supply Charge policy.

2. Service

- A.** The Owner shall comply with the Water Authority’s Water and Sewer System Expansion Ordinance, as amended from time to time. Connection for water service shall require concurrent sewer service connection to the Water Authority’s wastewater system.
- B.** The Owner shall pay Utility Expansion Charges (“UECs”) at the rates that are imposed at the time of a service connection, as provided in the Water Authority’s Water and Sewer Rate Ordinance, as amended from time to time.
- C.** The Owner shall pay all outstanding Pro Rata assessments in full at the time of service application.

- D.** Pursuant to Water Authority Resolution No. R-05-13, The Owner agrees that it shall incorporate water conservation guidelines that shall achieve water usage of seventy-five (75) gallons per capita per day.
- 3. Termination.** If construction of the Connection to the waterline and sanitary sewer modifications by The Owner has not been completed and accepted by the Water Authority within seven (7) year of the effective date of this Agreement, this Agreement shall automatically terminate, and the Water Authority and The Owner shall have no further rights, obligations, or liabilities with respect to this Agreement, unless otherwise agreed in writing.
- 4. Indemnification.** The Owner will indemnify and hold harmless the Water Authority and its officials, agents, and employees from any claims, actions, suits, or other proceedings arising from the acts or omissions of The Owner, its agents, representatives, contractors, or subcontractors, or arising from the failure of The Owner, its agents, representatives, contractors, or subcontractors to perform any act or duty required of The Owner herein. The indemnification by The Owner will not extend to the negligent acts of the Water Authority.
- 5. Representations and Warranties of the Owner.** The Owner represents and warrants that:
- A.** The Owner is validly existing under the laws of the State of New Mexico.
 - B.** The Owner has all the requisite power and authority to enter into this Agreement and bind The Owner under the terms of the Agreement; and
 - C.** The undersigned officer of The Owner is fully authorized to execute this Agreement on behalf of The Owner.
- 6. Notices.** Any notice to be given under this Agreement will be in writing and will be deemed to have been given when deposited in the United States Mail postage prepaid addressed:

If to the Water Authority:
Mark S. Sanchez
Executive Director
Albuquerque Bernalillo County
Water Utility Authority
One Civic Plaza, Room 5012
Albuquerque, New Mexico 87102

If to the Owner:
Doug Armintrout
Rio Rancho Eagle, LLC.
7519 Brooklyn Ave. NE
Seattle, WA 98115

7. **Assignment.** This Agreement will not be assigned without the prior written consent of the Water Authority and the Owner.

8. **Miscellaneous.** This Agreement will be governed by and interpreted in accordance with the laws of the State of New Mexico. The headings used in this Agreement are for convenience only and shall be disregarded in interpreting the substantive provisions of the Agreement. This Agreement binds and benefits the Water Authority and their successors, assigns, and transferees and The Owner and their successors, assigns and transferees. Time is of the essence of each term of this Agreement. If any provision of this Agreement is determined by a court of competent jurisdiction to be void, invalid, illegal, or unenforceable, that portion will be severed from this Agreement and the remaining parts will remain in full force as though the invalid, illegal, or unenforceable portion had never been a part of this Agreement.

9. **Integration; Interpretation.** This Agreement contains or expressly incorporates by reference the entire agreement of the parties with respect to the matters contemplated by this Agreement and supersedes all prior negotiations. This Agreement may only be modified in writing executed by both parties.

10. **Approval.** This Agreement is subject to the approval of the Board of Directors of the Water Authority and will not become effective until approved by the Water Authority.

11. **Effective Date.** The effective date of this Agreement is the date last entered below.

In Witness Whereof, the parties hereto have executed this Agreement on the dates entered below.

**Albuquerque Bernalillo County
Water Utility Authority**

**Doug Armintrout
Managing Member**

By: _____
Mark S. Sanchez

By: _____
Doug Armintrout

Date: _____

Date: _____

August 10, 2012

Chair

Ken Sanchez
City of Albuquerque
Councilor, District 1

Vice Chair

Wayne Johnson
County of Bernalillo
Commissioner, District 5

Richard J. Berry
City of Albuquerque
Mayor

Art De La Cruz
County of Bernalillo
Commissioner, District 2

Rey Garduño
City of Albuquerque
Councilor, District 6

Maggie Hart Stebbins
County of Bernalillo
Commissioner, District 3

Trudy E. Jones
City of Albuquerque
Councilor, District 8

Ex-Officio Member
Pablo R. Rael
Village of Los Ranchos
Board Trustee

Executive Director
Mark S. Sanchez

Website
www.abcwua.org

Mike Balaskovits, PE
Bohannon Huston
7500 Jefferson NE, Courtyard I
Albuquerque NM 87109

**RE: Water and Sanitary Sewer Availability Statement #120613
Zolin Kunath Tres Esquinas LLC & Curb Inc.-Lot D1 - Zone Atlas Map: A-11**

Dear Mr. Balaskovits:

Project Information: The lot is ±1.4 acres. The site is located on the northwest corner of the Pinon Verde and McMahon, just west of the Unser and McMahon intersection, within the city limits. The site is currently zoned SU-1 and lies in the 3WR pressure zone within the Corrales trunk. The request for service availability indicates plans to construct a Dialysis Center.

Existing Conditions: Water infrastructure in the area includes an eight inch line (Project #26-6830.82-04 and 7901.84) in Pinon Verde and an 18 inch line (NMUI-008-90) in McMahon.

Sanitary sewer infrastructure in the area is limited to an eight inch line (Project #26-6830.82-04) in Pinon Verde.

Service: New metered water service to the site is available contingent upon compliance with the Fire Marshal's fire flow requirements and confirmation that the eight inch line in Pinon Verde connects to the 18 inch line in McMahon. Upon confirmation of the line, service taps may be made to that line. Water service will only be sold in conjunction with sewer service. Water service shall only be provided in conjunction with sewer service.

Sanitary sewer service to the site is available to the site via routine connection to the eight inch line in Pinon Verde.

Fire Protection: A statement from the City Fire Marshal's office indicates that the instantaneous flow required is 1,280 GPM, supplied by one but possibly two hydrants, required within 300 feet of the largest building. New hydrants may be required; all required hydrants as well as their exact locations must be determined through the Fire Marshal's Office and verified through the Utility Development Office prior to sale of service.

Construction of all required improvements will be at the developer/property owner's expense and must be coordinated through the Water Authority Mini-Work Order process. Designs must be by a licensed, New Mexico registered, Professional Engineer. Construction must be by a licensed, bonded, public utility contractor.

Costs and Fees: In addition to installation and construction costs, new sanitary sewer and metered water services will be subject to Utility Expansion Charges (UEC) payable at the time of service application. All charges and rates collected will be based on the

ordinances and policies in effect at the time service is actually requested and authorized. Credit will be given for any previous accounts on this property.

Water Supply Charge: All developments located outside of the Water Authority's service area will be assessed a Water Supply Charge (WSC) as provided in the Water Authority's Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies necessary to serve the development. The WSC shall not be used for reimbursement of master planned facilities.

Service Connection Agreement: As this development is outside the existing service area, a Service Connection Agreement must be executed between the owner and the Water Authority. The Utility Development Section of the Water Authority will coordinate with the developer in order to execute this Service Connection Agreement.

Water Use: All new development shall be required to meet the standard water usage of 180 gallons per household per day which is equivalent to 75 gallons per capita day. Indoor water use shall consist of 70% of total use with outdoor limited to 30%. Where available, outdoor water usage shall utilize reclaimed water.

Closure: This statement of availability will remain in effect for a period of one year from the date of issue and applies only to the development identified herein. Its validity is, in part, contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require reevaluation of availability and should be brought to the attention of the Utility Development Section of the Water Authority as soon as possible.

Please feel free to contact the Utility Development Office at (505) 924-3987, or by fax at (505) 924-3864 if you have questions regarding the information presented herein or need additional information.

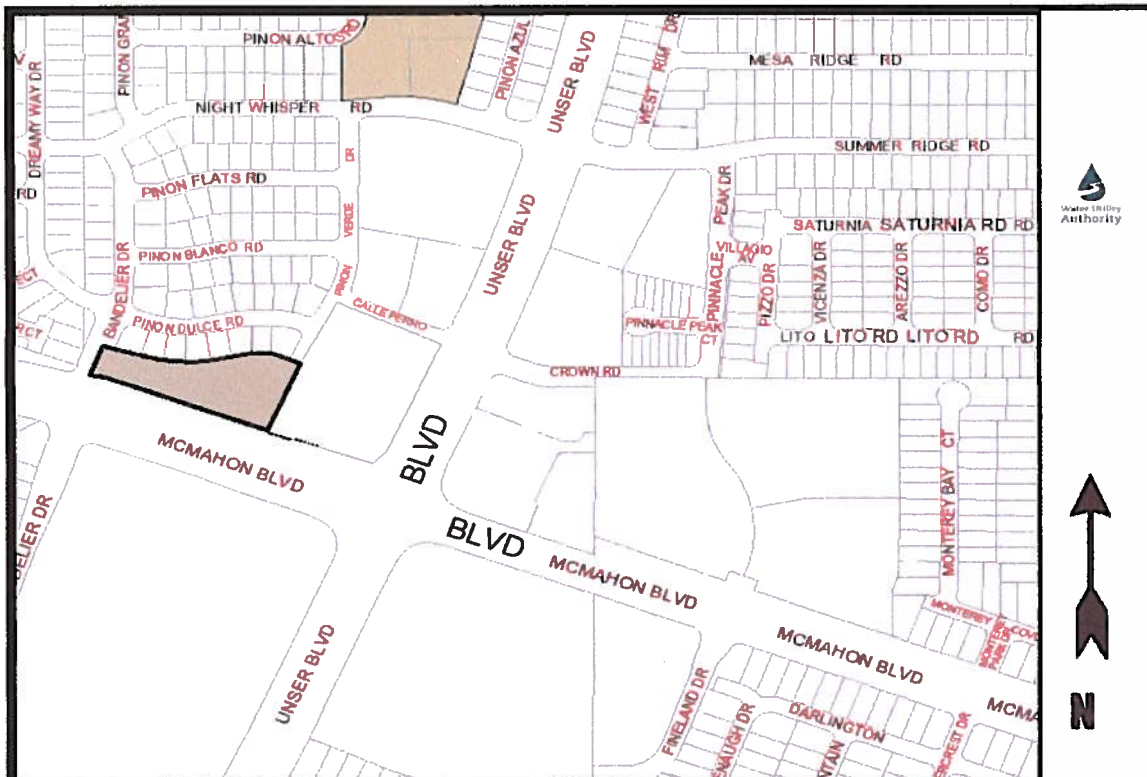
Sincerely,



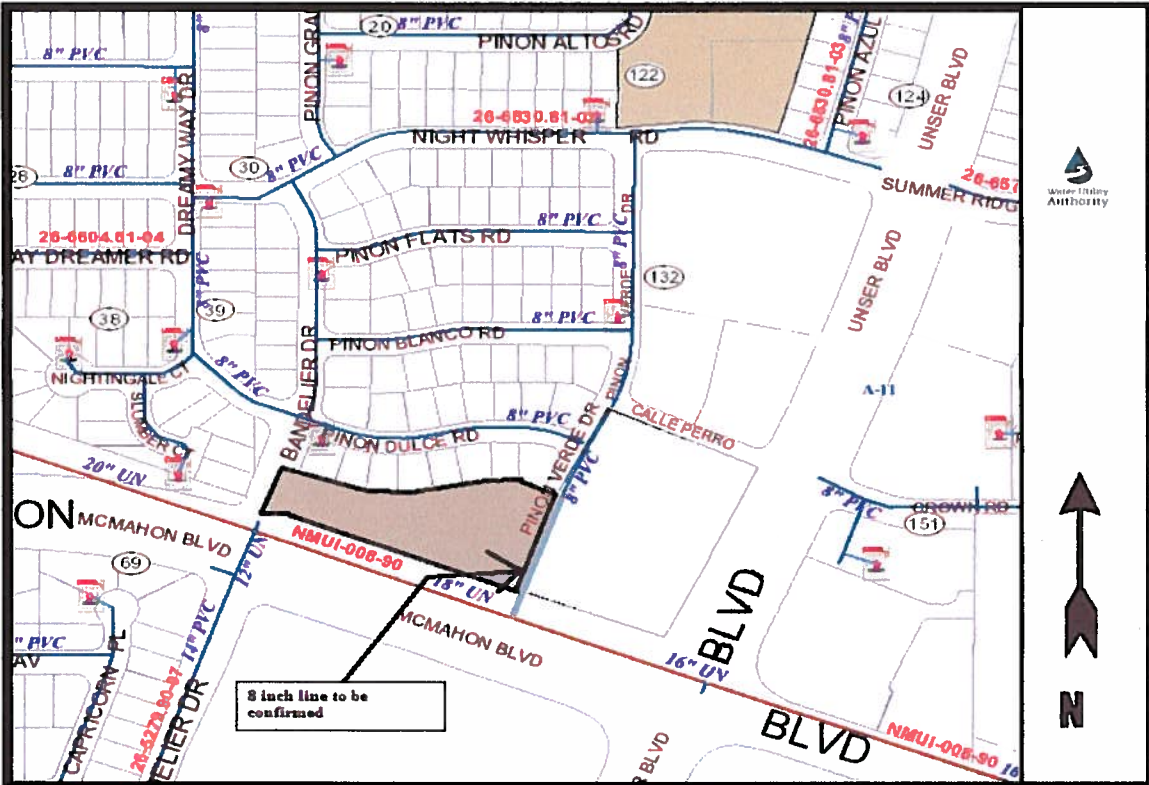
Mark S. Sanchez
Executive Director

Encl: Site and Infrastructure Maps (3)

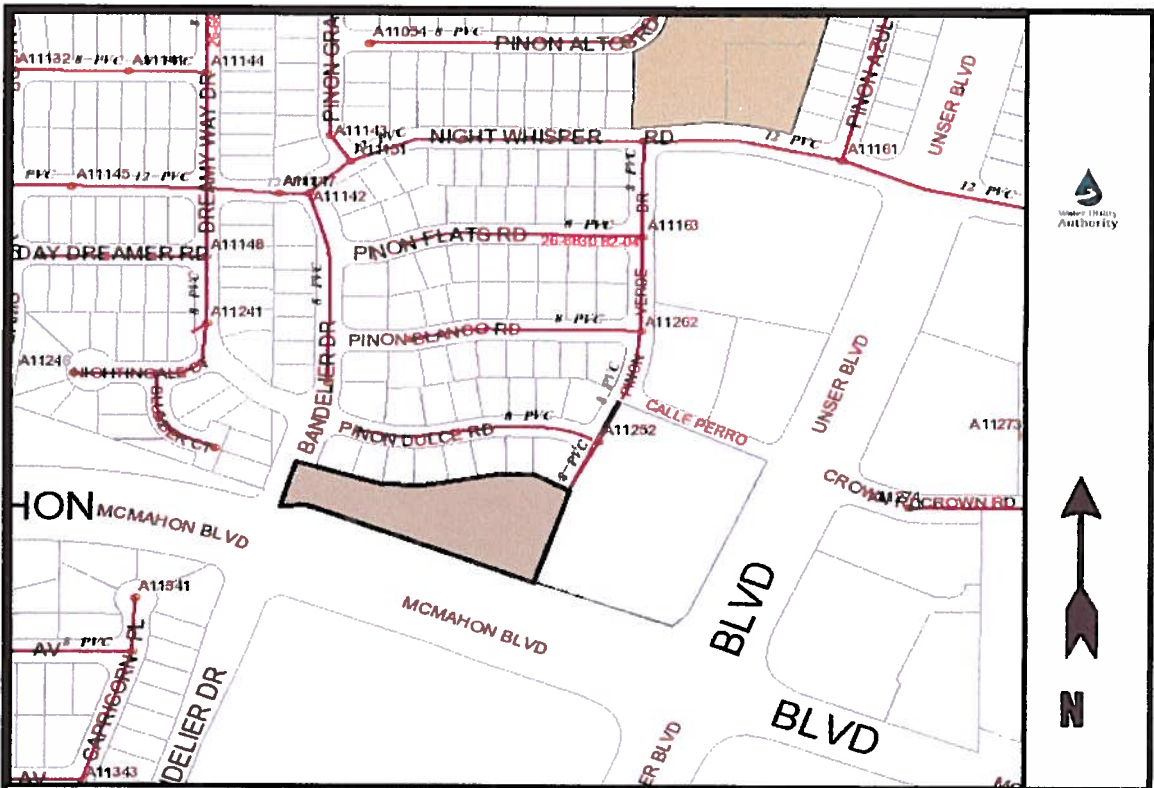
C: f/ Availability A-11



Availability Statement #120613-Site Map



Availability Statement #120613-Water Lines



Availability Statement #120613-Sewer Lines

Meeting Date: January 16, 2013
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: Election of Officers

ACTION: Elect Chair and Vice Chair

SUMMARY:

Article II Section 1 and Section 2 of the Water Authority Rules of Practice and Procedure state in January of each year the Water Authority shall elect one of its members to serve as Chair and a member to serve as Vice Chair. Both members shall serve until the following January.

FISCAL IMPACT:

None.



Meeting Date: January 16, 2013
Staff Contact: Rick Shean, Water Quality Hydrologist

**TITLE: STATUS OF WATER AUTHORITY ACTIVITIES RELATED TO THE
KAFB BULK FUELS FACILITY SPILL**

SUMMARY:

Water Authority staff is working with the Air Force Civil Engineering Center (AFCEC), the Kirtland Air Force Base (KAFB) and the U.S. Geological Survey (USGS) to complete the tasks directed by the Water Authority Board in Resolution R-12-13. The Water Authority executed a Memorandum of Agreement with KAFB to coordinate efforts on a contingency plan in the event Water Authority production wells are impacted by the mixed aviation gas and jet fuel plume. USGS staff are preparing a scope of work for services to be included in a new joint funding agreement between the USGS and the Water Authority, which will include activities related to capture zone analyses for Ridgecrest well field production wells, and the locating and drilling of early warning wells. The Water Authority sent Col. Kubinec a let on Dec. 5, 2012 formally notifying the Colonel that the Water Authority was seeking KAFB's cooperation to increase the pace at which they would submit a Final Work Plan and implementation of the final remedy for the Bulk Fuels Facility Spill for the benefit of all who rely on the regional aquifer.

FISCAL IMPACT:

None



Albuquerque Bernalillo County
Water Utility Authority

STATUS OF WATER AUTHORITY ACTIVITIES RELATED TO THE KAFB BULK FUELS FACILITY SPILL

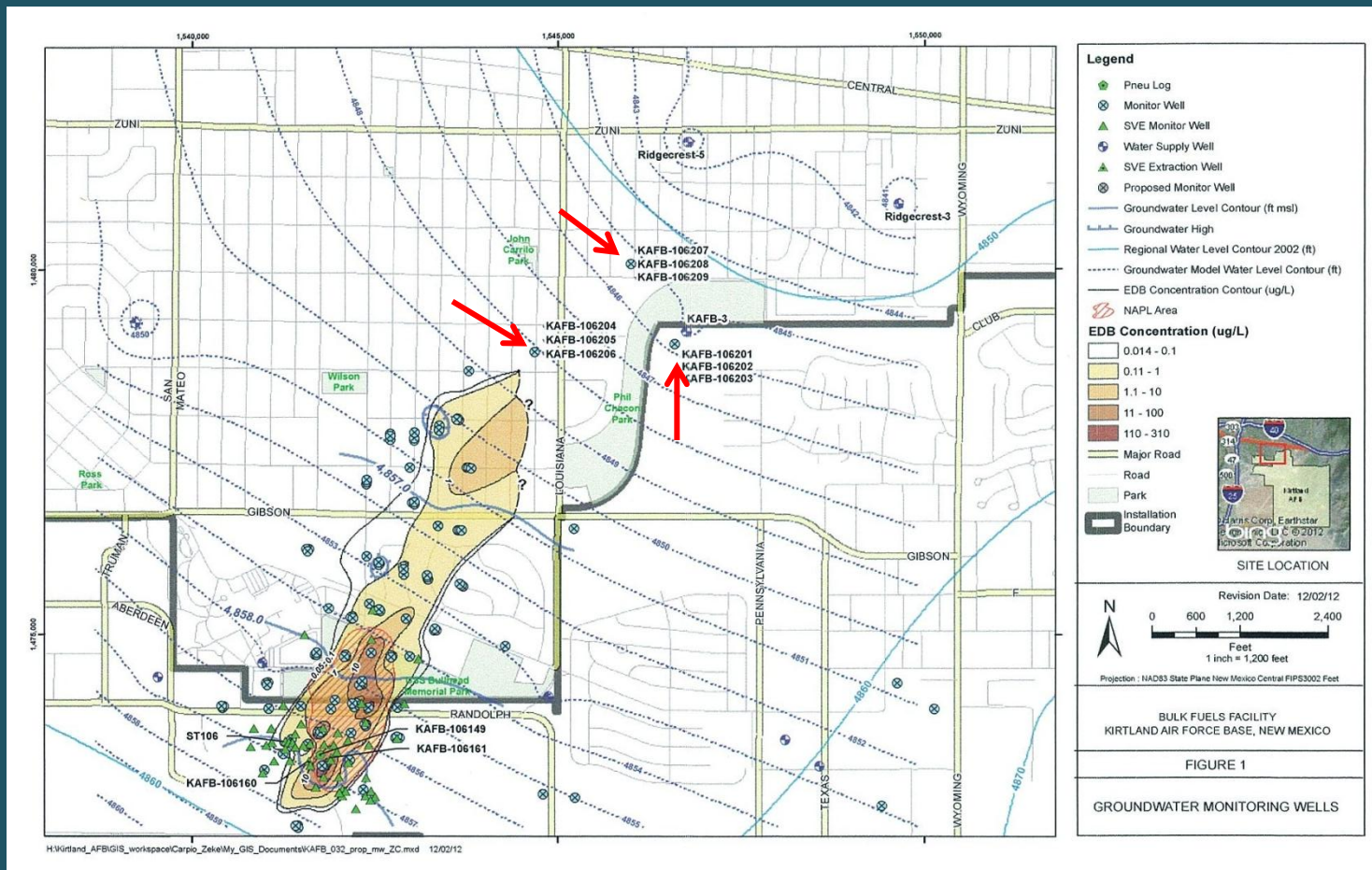
Rick Shean

Water Quality Hydrologist, Water Authority
Presentation to the Water Utility Authority Board

January 16, 2013



Current Plume Estimated Plume Extent





Water Authority Staff Activities since approval of R-12-13 Contingency Plan -

- Water Authority and KAFB Signed MOA.
- Scope of work for procurement of contractor to develop Contingency Plan options developed.

USGS -

- USGS Water Sciences preparing scope of work for early warning / monitoring well(s) activities, including capture zone analysis and drilling operations.

Third-Party Technical Review

- Water Authority staff preparing RFP for independent evaluation of Remediation Work Plans and Technology Assessments.



Water Authority Staff Activities since approval of R-12-13, continued

- Formal notification to KAFB regarding approval of R-12-13, and request for quicker pace for the implementation of a final remedy to the contamination.

KAFB Activities

- Submittal of Final Design for new Soil Vapor Extraction System
- Submittal of 2012 – Qtr 3 Pre-remedy Investigation Report
- Start – up of new system (Jan. 18th)



Albuquerque Bernalillo County
Water Utility Authority

Thank you

DROUGHT AND WATER USE UPDATE

Water Authority Board

January 16, 2013



Albuquerque Bernalillo County
Water Utility Authority

U.S. Drought Monitor

January 1, 2013

Valid 7 a.m. EST

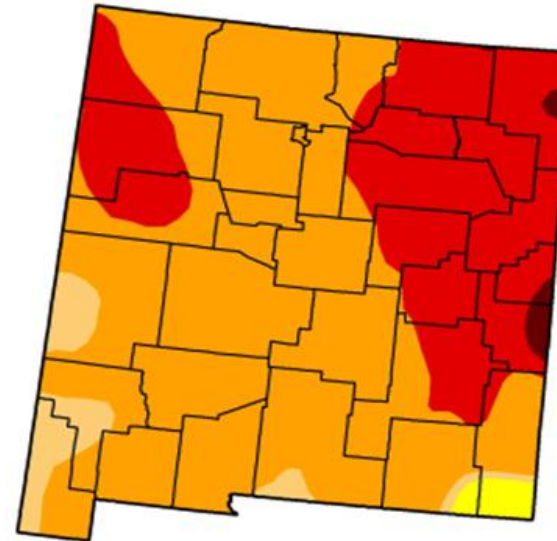
New Mexico

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	98.83	94.05	31.88	0.97
Last Week (12/25/2012 map)	0.00	100.00	98.83	92.35	23.73	0.97
3 Months Ago (10/02/2012 map)	0.00	100.00	99.73	62.37	12.28	0.68
Start of Calendar Year (01/01/2013 map)	0.00	100.00	98.83	94.05	31.88	0.97
Start of Water Year (09/25/2012 map)	0.00	100.00	100.00	62.56	12.25	0.66
One Year Ago (12/27/2011 map)	8.63	91.37	87.60	72.15	23.37	7.57

Intensity:

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



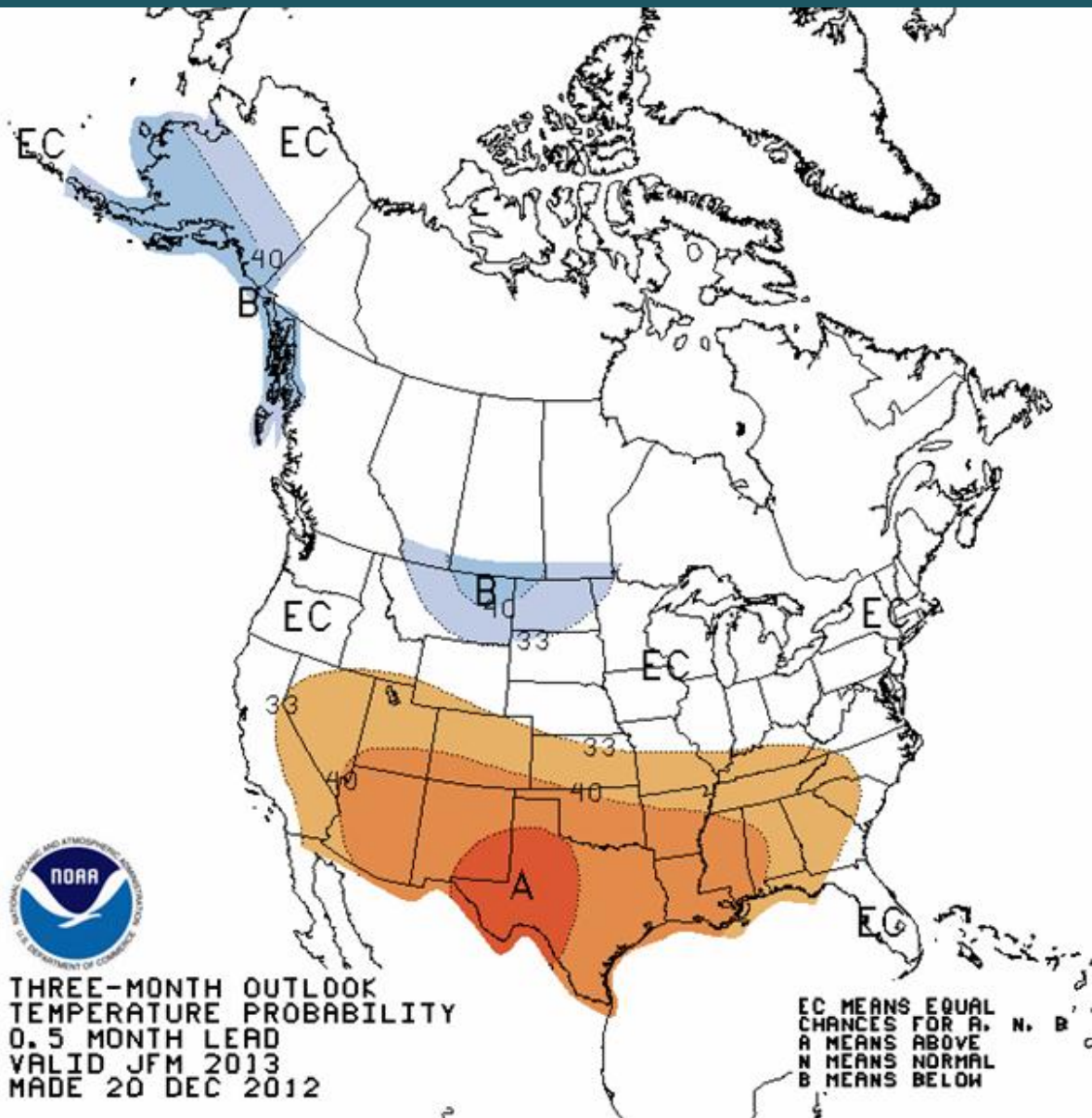
...Small Area of Exceptional Drought in Curry, Roosevelt & Union Counties...

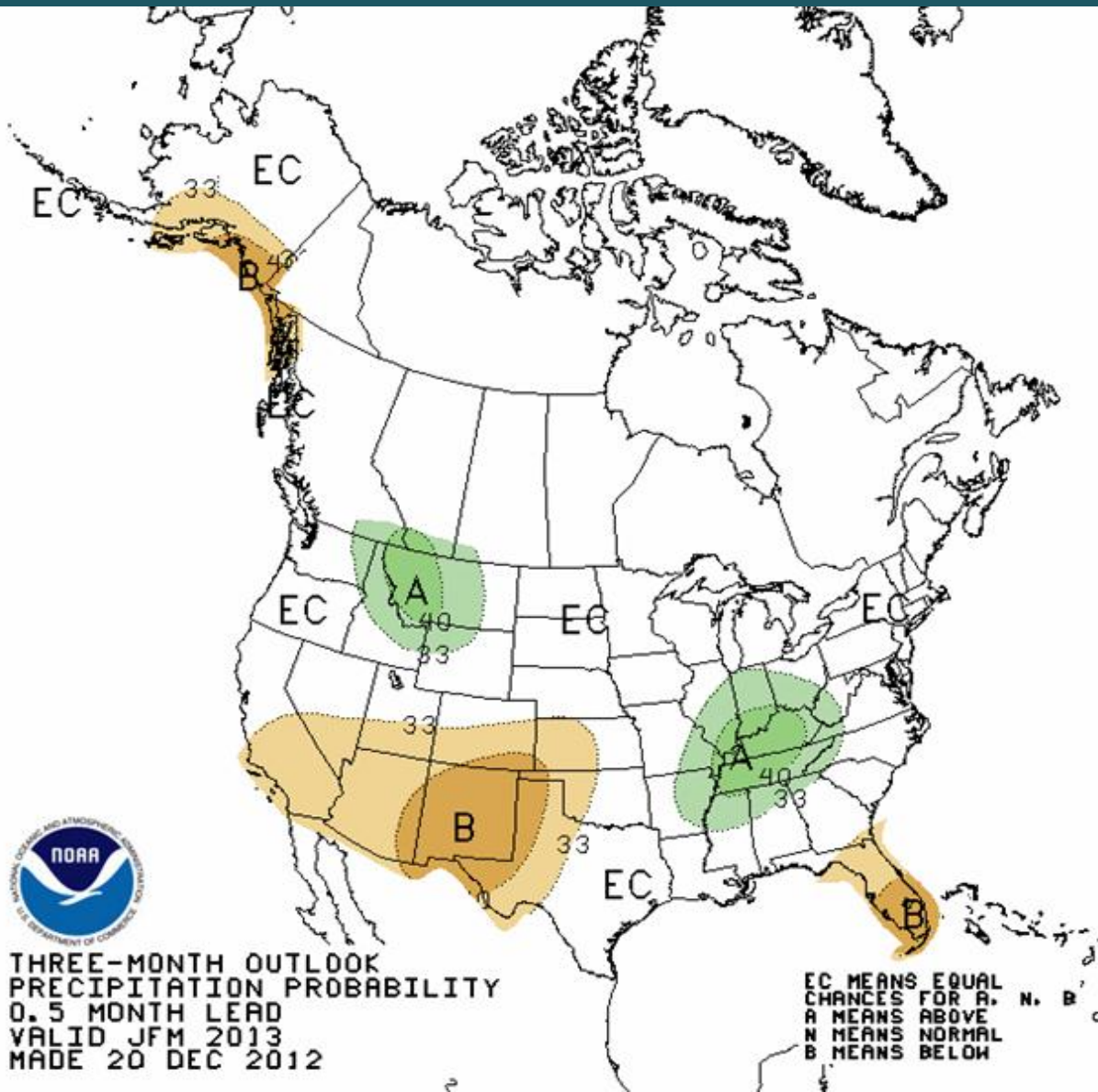
...Extreme Drought in Much of Eastern and Far Northwest New Mexico...

...Severe Drought Nearly Everywhere Else...

2012 Calendar Year Review

January through November 2012 statewide average precipitation was 58 percent of normal and the 2nd driest first eleven months of any year on record (since 1892). The Northeast Plains and Southern Deserts were the driest Climate Divisions with 50% and 51% of normal respectively, while the Southwest Mountains were the





THREE-MONTH OUTLOOK
 PRECIPITATION PROBABILITY
 0.5 MONTH LEAD
 VALID JFM 2013
 MADE 20 DEC 2012



Albuquerque Bernalillo County
 Water Utility Authority

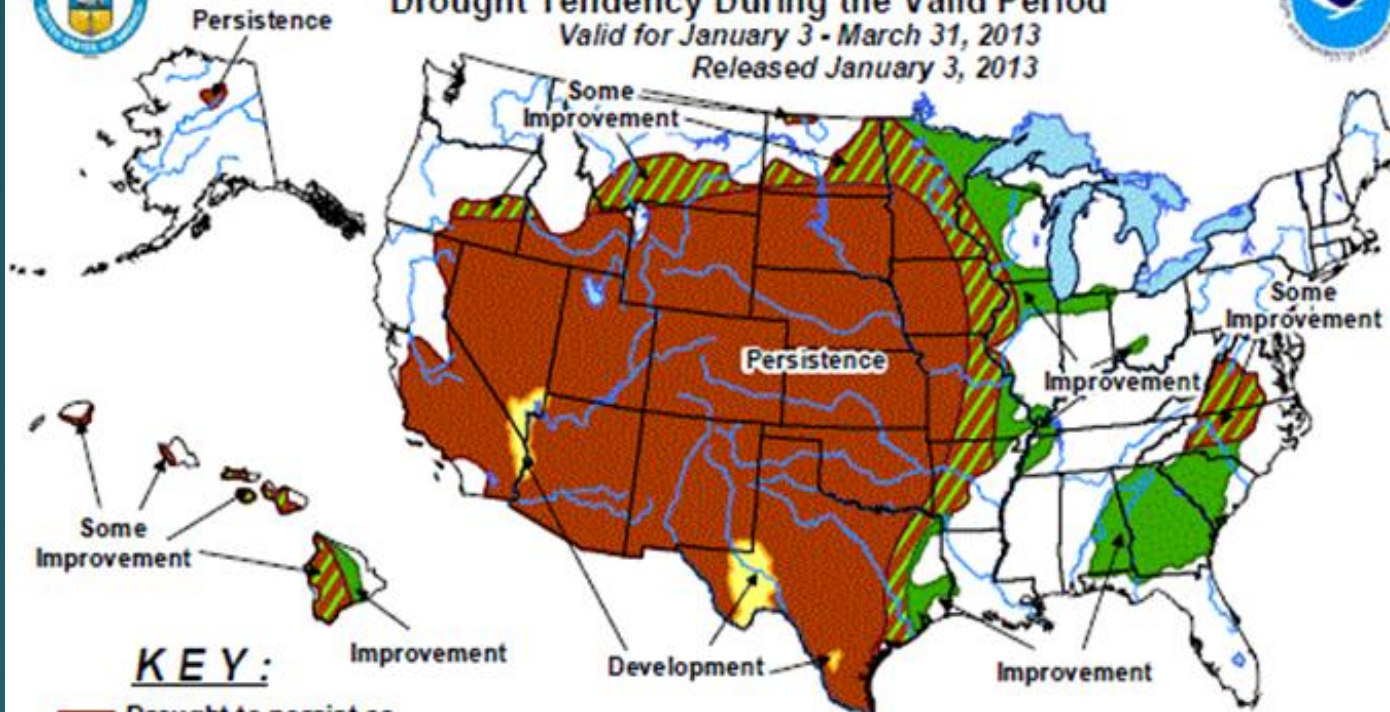


U.S. Seasonal Drought Outlook

Drought Tendency During the Valid Period

Valid for January 3 - March 31, 2013

Released January 3, 2013



KEY:

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

No Drought Posted/Predicted

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.



Mid-Dec 2012 Plume of Model ENSO Predictions

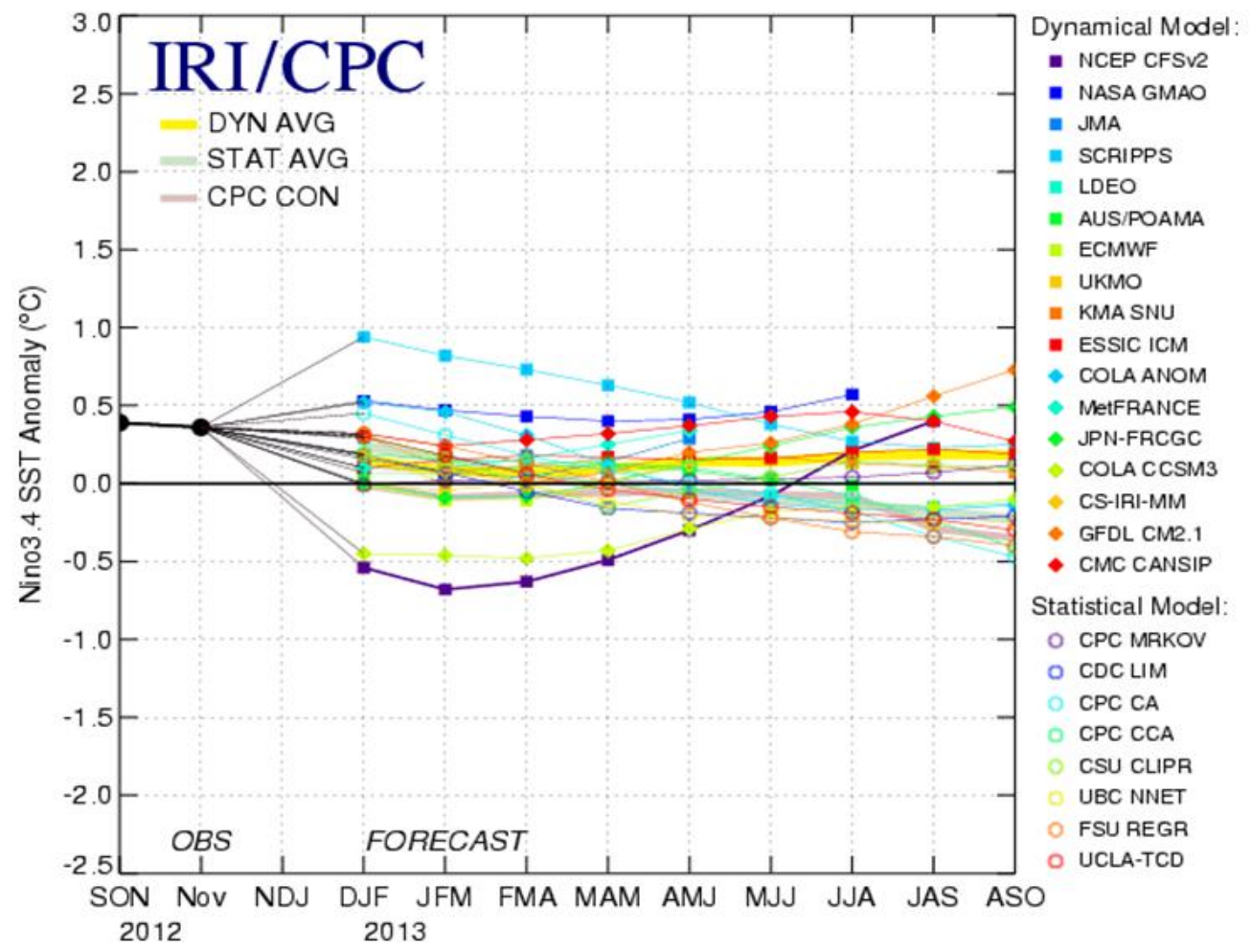


Figure provided by the International Research Institute (IRI) for Climate and Society

Drought Stage Criteria Chart

Groundwater Pumping /GPCD	Less than 120% of the GW pumping goal	Between 120% and 130% of GW pumping goal	Between 130% and 140% of GW pumping goal	More than 140% of the GW pumping goal
< 2 GPCD over the goal	None	None	None	Stage 1
2-4 GPCD over the goal	None	Stage 1	Stage 1	Stage 2
4-6 GPCD over the goal	None	Stage 1	Stage 2	Stage 3
> 6 GPCD over the goal	Stage 1	Stage 2	Stage 3	Stage 3

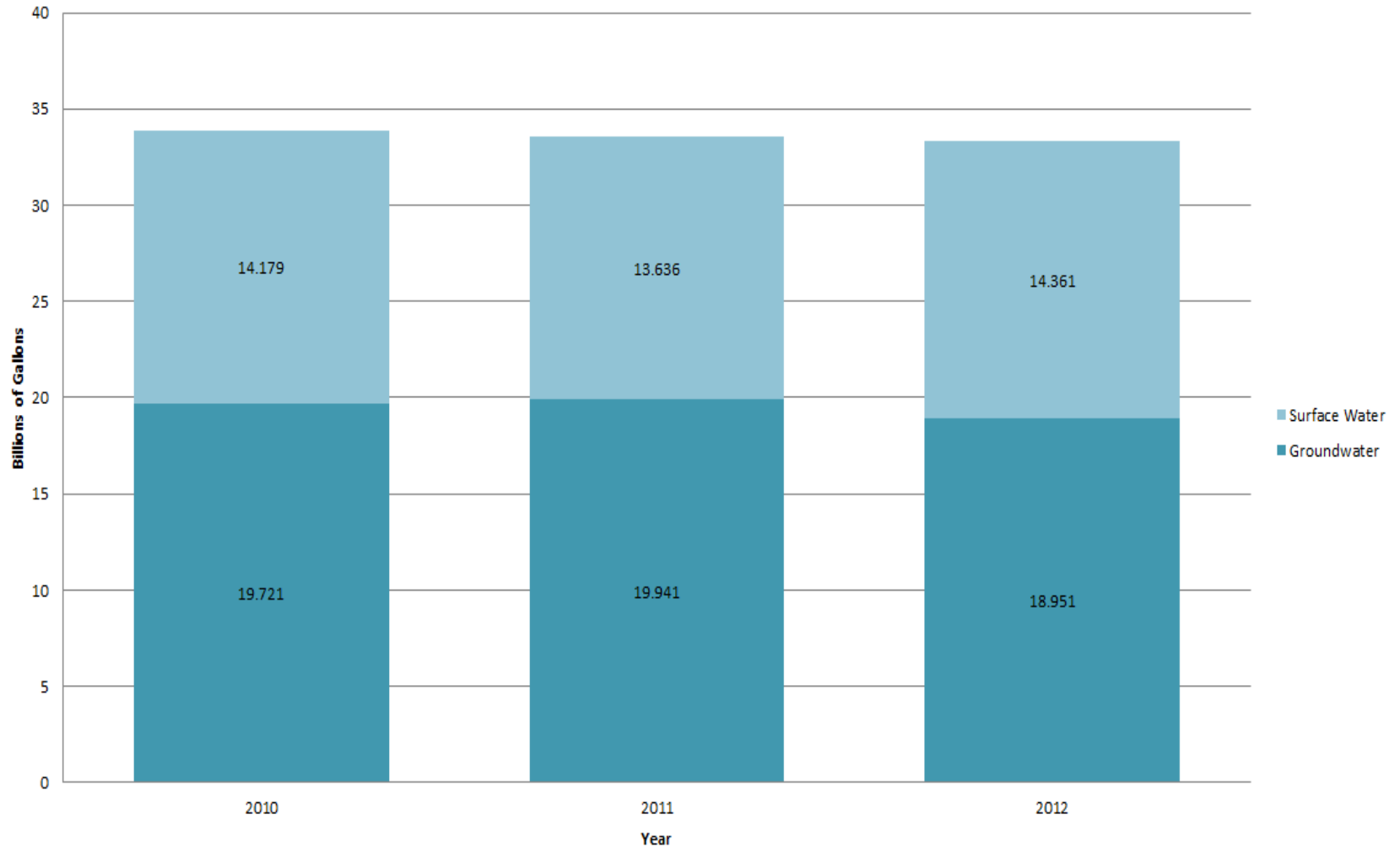


Reduction Methods for Drought Stage 1: Drought Watch

DROUGHT STAGE 1: DROUGHT WATCH		
Water Use Reduction Method	Savings Goals as a percentage of total annual ground water production	Average Savings Goals in acre-feet (based on 2012-2022 goals)
Increase public education	12%	4,653
Double Fees for Wasting Water	5%	1,938
Offer Drought Smart \$20 rebate classes	3%	1,163
TOTAL	20%	7,754



Water Authority Groundwater and Surface Water Production Comparison 2010-2012



NOTE: Chart contains only Water Authority system wells and surface water production. Non-system wells and reuse are not included.



Albuquerque Bernalillo County
Water Utility Authority