

Meeting Date: December 7, 2022
Staff Contact: Stan Allred, Chief Financial Officer

TITLE: R-22-33 Amendment to the Approved Capital Implementation Program of the Albuquerque Bernalillo County Water Utility Authority for the Fiscal Year Ending June 30, 2023

ACTION: Recommend Approval

SUMMARY:

The Albuquerque Bernalillo County Water Utility Authority (Water Authority) is a subrecipient for the purpose of carrying out a portion of Bernalillo County's American Rescue Plan Act (ARPA) Recovery Funds and has been sub awarded not to exceed \$53,816,573 in Federal assistance in the Original MOU and will assist Bernalillo County in utilizing such funds. On October 11, 2022, Bernalillo County amended the sub award to include an additional one million dollars (\$1,000,000), which brings the new sub award total not to exceed \$54,816,573.

The proposed amendment is outlined below:

Carnuel Water Collection System (\$1,000,000) – The amendment identifies one additional infrastructure project and outlines the initial performance and reporting requirements. Due to the high nitrate levels in the groundwater area along Herrera Rd, the need to extend water in Carnuel has become a priority of Bernalillo County and the Water Authority. With this request, the Water Utility Authority will be able to provide potable water and fire protection to approximately six to ten residents and the Santo Nino Church.

FISCAL IMPACT:

The attached resolution reflects an expense and revenue budget amendment to provide an additional \$1,000,000 in ARPA funding. The Executive Director is authorized to negotiate and enter into subsequent agreements and amendments with Bernalillo County regarding ARPA funding and take any action necessary to carry out the directives of this resolution.

Staff recommends approval to amend the FY23 CIP Budget.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-22-33

RESOLUTION

2 AMENDMENT TO THE APPROVED CAPITAL IMPLEMENTATION PROGRAM OF
3 THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY FOR
4 THE FISCAL YEAR ENDING JUNE 30, 2023

5 WHEREAS, the Capital Implementation Program is governed by the requirements
6 established under Section 2-1-8, 2006, which provides for amendments to the approved
7 program; and

8 WHEREAS, appropriations for the Fiscal Year ending June 30, 2023 that were
9 previously approved under R-22-13 and R-22-14 require an amendment to add funding
10 utilizing American Rescue Plan Act (ARPA) award funding under a subrecipient
11 agreement with Bernalillo County; and

12 WHEREAS, on October 11, 2022, Bernalillo County approved amendment one to
13 the Memorandum of Understanding that the total ARPA award to the Water Authority is
14 now fifty-four million eight hundred sixteen thousand five hundred seventy-three dollars
15 (\$54,816,573.00); and

16 WHEREAS, additional ARPA funding in the amount of one million dollars
17 (\$1,000,000) is appropriated for waterline improvements in the Carnuel service area.

3 BE IT RESOLVED BY THE WATER AUTHORITY:

19 Section 1. That the adjustments for the Bernalillo County ARPA projects as stated
20 below are hereby made.

21 Carnuel Water System Expansion (94502301) 1,000,000

22 Grants Federal Pass-through (Revenue) 1,000,000

23 Section 2. That the Executive Director is authorized to negotiate and enter into
24 subsequent agreements and amendments with Bernalillo County regarding ARPA
25 funding and to take any other action necessary to carry out the directives of this resolution.

FIRST AMENDMENT TO

MEMORANDUM OF UNDERSTANDING BETWEEN THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY AND BERNALILLO COUNTY REGARDING THE SUBAWARD OF THE AMERICAN RESCUE PLAN ACT RECOVERY FUNDS

THIS First Amendment to Memorandum of Understanding Between the Albuquerque Bernalillo County Water Utility Authority Regarding the Subaward of the American Rescue Plan Act Recovery Funds (hereinafter referred to as “the MOU Amendment”) is made and entered into by and between **Bernalillo County, New Mexico**, a New Mexico County and political subdivision (hereinafter referred to as “the County”) and **the Albuquerque Bernalillo County Water Utility Authority**, a political subdivision of the State of New Mexico (hereinafter referred to as “the Subrecipient” and together with the County, “Parties” or “Party”), effective as of the date of the last signatory hereto.

WHEREAS, the County applied for and received federal funds to be allocated in accordance with the American Rescue Plan Act (“ARPA Award”);

WHEREAS, on September 14, 2021, the County and the Subrecipient entered into an agreement titled “Memorandum of Understanding Between the Albuquerque Bernalillo County Water Utility Authority Regarding the Subaward of the American Rescue Plan Act Recovery Funds”, (“Original Agreement”), whereby the Subrecipient agreed to receive a portion of the ARPA Award allocated to the County;

WHEREAS, through the Original Agreement, the County and the Subrecipient identified and presented seven (7) proposed projects (“Projects”), as listed in Appendix A, to the Commission during work sessions held on August 19, 2021 and August 23, 2023;

WHEREAS, through the Original Agreement, the County engaged the Subrecipient to assist the County in utilizing the ARPA Award funds by committing funding not to exceed fifty-three million eight hundred sixteen thousand five hundred seventy-three dollars (\$53,816,573.00) for a variety of projects to be completed by the Subrecipient;

WHEREAS, the County and the Subrecipient entered into a Subaward Agreement, dated February 7, 2022, (“Subaward Agreement”) whereby the County engaged the Subrecipient to assist the County in utilizing ARPA funds to carry out part of the ARPA Award by committing funding not to exceed three million eight hundred forty five dollars (\$3,845,00.00) for improvements to the Carnuel Sewage Collection System;

WHEREAS, the County has determined that it wishes to also engage the Subrecipient to undertake improvements to the Village of Carnuel Water System and has made an additional one million dollars (\$1,000,000) of ARPA funds available for use by the Subrecipient under this MOU Amendment to the Original Agreement and a will issue a separate subrecipient agreement; and

WHEREAS, the County intends through this MOU Amendment that the total Award to the Subrecipient is fifty-four million eight hundred sixteen thousand five hundred seventy-three dollars (\$54,816,573.00) for use by the Subrecipient in accordance with requirements imposed by Federal statutes, regulations, and the terms and conditions of the County’s ARPA Award.

NOW, THEREFORE, it is agreed between the Parties hereto that the Original Agreement shall be amended as follows:

1. Under TERMS AND CONDITIONS, Section D. Payment and Terms, item number 5 of the Original Agreement is amended to read as follows:

“It is expressly agreed and understood that the total amount to be paid by the County under this agreement shall not exceed \$54,816,573.

2. APPENDIX A is replaced with the AMENDED APPENDIX A attached.

3. Terms and Conditions

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 Amendment, in which event, the terms and conditions of this First Amendment shall control.

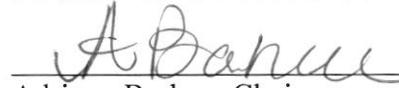
4. Facsimile Signature

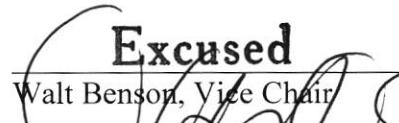
A signature sent via facsimile shall have the same legal effect as if the Original has been signed in person.

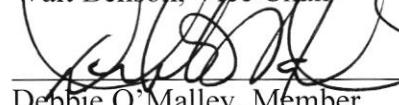
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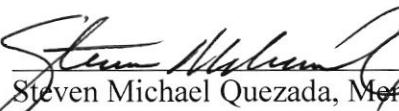
IN WITNESS WHEREOF, the County and the Subrecipient have executed the First Supplemental Agreement as of the last date of execution shown below.

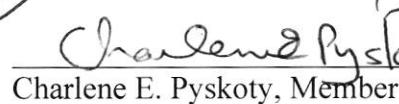
BOARD OF COUNTY COMMISSIONERS


Adriann Barboa, Chair


Excused
Walt Benson, Vice Chair


Debbie O'Malley, Member

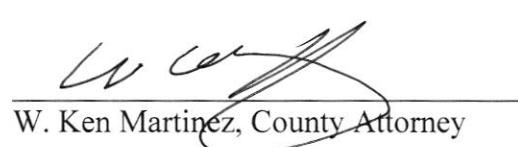

Steven Michael Quezada, Member


Charlene E. Pyskoty, Member

ATTEST:


Linda Stover, County Clerk

APPROVED AS TO FORM:


W. Ken Martinez, County Attorney



ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BY: _____
Mark S. Sanchez, Executive Director

Date: _____

AMENDED APPENDIX A

ABCWUA Projects As of September 27, 2022

Projects included in September 14, 2021 MOU

Item #	District Physical Location	District Impact	Expenditure Category	Expenditure Sub-Category	Project	Amount
I-6	District 5	District 5	5. Infrastructure Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	Carnuel Sewage Collection System	\$3,845,000.00
I-7	District 2	County Wide	5. Infrastructure Sewer	5.2 Clean Water: Centralized Wastewater Collection and Conveyance	MDC Water & Sewer Improvements	\$4,200,000.00
I-8	District 2	County Wide	5. Infrastructure Sewer	5.8 Clean Water: Water Conservation	Mesa del Sol Non-Potable Re-Use Booster Pump & Reservoir	\$4,896,536.00
I-9	District 2	District 2	5. Infrastructure Water	5.11 Drinking water: Transmission & Distribution	South Valley Drinking Water Project, Phase 8/9	\$8,000,000.00
I-10	District 3	District 3	5. Infrastructure Sewer	5.5 Clean Water: Other Sewer Infrastructure	KAFB Tijeras Interceptor Rehabilitation	\$15,000,000.00
I-11	Districts 1 & 4	Districts 1 & 4	5. Infrastructure Water	5.11 Drinking water: Transmission & Distribution	Volcano Cliffs & Corrales Trunk Reservoir & Transmission Line Improvements • District 1 - \$10 million; District 4 - \$5 million	\$15,000,000.00
I-16	District 1	District 1	5. Infrastructure Sewer	5.8 Clean Water: Water Conservation	Bosque Non-Potable Water Reclamation Plant and Reuse System	\$2,875,037.00

Total MOU ABCWUA Projects \$53,816,573.00

Project included in Amendment 1 of MOU, September 27, 2022

I-21	District 5	District 5	5. Infrastructure Water	5.11 Drinking water: Transmission & Distribution	Carnuel Water System Expansion	\$1,000,000.00
Total MOU with Amendment 1 ABCWUA Projects						\$54,816,573.00