

MINUTES OF THE REGULAR MEETING OF THE BOARD OF WATER AND SEWER COMMISSIONERS OCTOBER 17, 2019, AT 8:30 A.M., IN THE PLANNING ROOM AT THE MUNICIPAL BUILDING, 101 N. HALAGUENO STREET, CARLSBAD, NM

VOTING MEMBERS PRESENT:	Craig Stephens Fred Beard Larry Henderson Dennis Miehl Gary Perkowski	Chairman Member Member Member Member
VOTING MEMBERS ABSENT:		
EX-OFFICIO MEMBERS PRESENT:	Michael A. Hernandez	Ex-Officio/City Administrator/Secretary
EX-OFFICIO MEMBERS ABSENT:	Eddie Rodriguez	Ex-Officio/Mayor Pro-Tem/ Member
OTHERS PRESENT:	Eileen Riordan Wendy Austin Ron Myers Wes Nichols Joe Harvey Richard Aguilar Olga Ramirez Maria O'Brien Dave Romero	City Attorney Director of Finance & Investments Director of Utilities Utilities Deputy Director WWTP Superintendent Environmental Services Superintendent Assistant to City Administrator Modrall Sperling Balleau Groundwater

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record

C. Stephens called roll and it was determined that there was a quorum of voting members
0:00:01 1. Approval of Statement regarding Closed Session held on August 15, 2019, Pursuant to Section 10-15-1(H)(8), N.M.S.A. 1978, discussion of the Purchase, Acquisition, or Disposal of Water Rights

The motion was made by D. Miehl and seconded by L. Henderson to approve the statement regarding the closed session held on August 15, 2019. No other business was discussed and no action was taken. The vote was as follows, Yes: C. Stephens, G. Perkowski, D. Miehl, L. Henderson, F. Beard No: None Absent: None The Motion passed.

0:00:42 2. Approval of Agenda

The motion was made by G. Perkowski and seconded by L. Henderson to Approve the Agenda. The vote was as follows, Yes: C. Stephens, G. Perkowski, D. Miehl, L. Henderson, F. Beard No: None Absent: None The Motion passed.

0:00:53 3. Approval of Minutes of the Board of Water and Sewer Commissioners Regular Meeting held August 15, 2019

The motion was made by L. Henderson and seconded by D. Miehl to approve the minutes of August 15, 2019. The vote was as follows, Yes: G. Perkowski, D. Miehl, F. Beard, L. Henderson, C. Stephens No: None Absent: None The Motion passed.

0:01:11 4. Update and Review on 40 Year Water Plan Draft by Maria O'Brien

Maria O'Brien from Modrall Sperling was present to get input from the board for the 40 year Water Plan. Ms. O'Brien stated she and Dave Romero from Balleau Groundwater have been working together on the 40 Year Water Plan Draft and the Wellhead Protection Ordinance update. She stated they have been reviewing the legal and technical issues and working on integrating them. The plan was updated in 1995 and again in 2009.

Ms. O'Brien said the reason for a 40 Year Water Plan is to show how municipalities who hold Water Rights and need to supply water to their citizens implement a plan to manage water resources. It allows municipalities to take stock of what Water Rights they hold and project the demand of the future.

Ms. O'Brien said one of the factors they are looking at in the update is population production and actual consumption by the citizens. She stated the city is in a good position to manage their resources but the city needs to acknowledge their limitations.

L. Henderson asked if the updated plan would include the higher population numbers they have been hearing. M. O'Brien said if the city has more updated numbers they could incorporate those numbers. F. Beard asked if anyone had the correct numbers of the population.

C. Stephens said so they will come up with a utilization plan. M. O'Brien said she can give them recommendations, supply them with a guide and be more specific. R. Myers stated they have committed to the Double Eagle System Phase I, II, and III. The city needs to continue with that plan.

M. O'Brien asked what kind of time frame the board wants. E. Riordan told the board this doesn't need to be approved by Ordinance, so it could be approved by Water Board than by City Council. C. Stephens said he would like to see the 40 Year Plan go through first and then the Wellhead Protection.

D. Miehl ask what Lovington and Hobbs did they do anything similar when they had their Oil and Gas growth. Maria replied they have two different kinds of water resources. G. Perkowski mentioned that this plan allows the city to hold on to their water rights as long as they have a plan for future use.

1:01:27 5. Update regarding Wellhead Protection Ordinance by Dave Romero

M. O'Brien stated she and Dave Romero have been reviewing the Wellhead Protection Ordinance at the request of the board. She said they have been looking to see where, if and how it needed to be updated. She said this Ordinance was enacted in 2000. M. O'Brien stated the first step is to update the Technical Assessment with regard to Double Eagle, Tatum, and

Sheep's Draw Wellfield. She said the city as a municipality has the ability to regulate Oil and Gas development in the vicinity of its wellfield but it's limited depending on who owns the mineral by both the state as well as federal agencies. The city has the authority to regulate to protect our water supply for the public health and safety. It can be done consistent with State and Federal law regarding Oil and Gas development. The city can be more protected but the city cannot prohibit Oil and Gas development.

D. Romero gave a brief summary on the Wellhead Protection Ordinance. He stated the Ordinance is based on some analysis that were performed about 20 years ago. He said since that time the techniques for estimating Wellhead Protection areas have evolved. D. Romero said the update is needed due to newer technology and newer information. Ms. O'Brien stated that in 2000 the Ordinance did not include Tatum, updating the Ordinance will allow the city to include Tatum in the Wellhead Protection Ordinance. D. Romero said models are needed to help with an analysis tool for evaluating it. It will help guide us and running these models for a certain amount of time it will help show how far out the capture zone should be.

D. Romero mentioned the city could expand the Wellhead Protection to areas where it doesn't have wells but it does have permits. He said when the analysis was done in 2000 they looked at two year and ten year. He would like to do an analysis on 20 years and 100 years. It makes sense to look at protection for a longer amount of time.

L. Henderson asked if other communities have adopted Wellhead protection for that many years. D. Romero stated he has not seen that in too many other communities. M. Hernandez asked what the standard was. D. Romero said there really isn't a standard.

E. Riordan stated that the State Statue that allowed the city to do a Wellhead Protection Ordinance isn't that old. She asked how many other communities in New Mexico have adopted a Wellhead Protection Ordinance.

M. O'Brien stated there are quite a few municipalities in New Mexico that have Ordinances that address Oil and Gas development. But most municipalities' wellfields are inside their extra territorial jurisdiction so they do it through zoning. They don't call it a Wellhead Protection Ordinance because their wellheads are within their zoning jurisdiction.

E. Riordan stated it's difficult for them to compare us to other cities. We are unique in where our wellheads are. M. O'Brien said it's a critical area when you're protecting a municipal water supply. E. Riordan said the city needs to have enough time to have learned a contamination exists and then to have it remediated before it hits the water. So doing a 20 year or 100 year is a legitimate time frame so long as the city tailors the restrictions appropriately.

C. Stephens asked which was better protected using a zoning protection or a wellhead protection. E. Riordan clarified for the board with zoning it's a long existing power of the municipality and is granted under a variety of authority that are within what the State Legislature has authorized local government to have. She said with the Wellhead it is a fairly young power granted to municipalities.

M. O'Brien said a basis for the Ordinance is to have the authority to regulate for the health and safety of the public.

R. Myers asked if they can prevent drilling right in the middle of the Wellhead Protection. M. O'Brien said the city can't prohibit them but the city can provide additional protection. F. Beard asked how quick the city would know if there was a problem. C. Stephens asked if the city had a catastrophe plan in place. R. Myers said they are working on a comprehensive plan.

M. O'Brien said it does state that Oil and Gas Development in the Wellhead Protection has a Contingency Plan. C. Stephens asked if they could define the area.

2:10:25 6. Utilities Department August & September Monthly Reports and Project Updates presented by Ron Myers

R. Myers said nothing was out of the ordinary. He said with fall coming water pumping is going down a little bit. He stated revenue is dropping a little at the Treatment Plant but overall Revenue is up. J. Harvey stated their numbers are dropping a little, there are other places that are taking haulers that are a little cheaper. Increasing the cost has helped the revenue but they have seen a decrease in haulers.

R. Myers gave an update on Double Eagle Phase III. He said they are ahead of schedule they think they may be done as early as February 2020. The completion date was scheduled for late 2020.

C. Stephens asked what the status of the RFP for the Tatum Wells was. M. Hernandez said it's out right now, he doesn't believe the city has received any bids. F. Beard clarified so there are no offers at this time. R. Myers said the deadline is the 25th of this month.

2:12:59 7. Financial Reports for July presented by Wendy Austin

W. Austin said next month she will have updated financials to report. She stated that two of the bonds will be paid off tomorrow this will give the Water and Sewer fund a savings of 1.5 million a year.

M. Hernandez asked about the status of the Sunset Gardens Water Rights transfer from Mosaic. M. O'Brien stated it's at the State Engineers office.

2:16:15 8. Adjourn

The motion was made by F. Beard and seconded by D. Miehl to adjourn. The vote was as follows, Yes: F. Beard, L. Henderson, D. Miehl, C. Stephens, G. Perkowski No: None, Absent: None The Motion passed

Chairman