



CORRALES WATER ADVISORY BOARD
REPORT TO THE VILLAGE COUNCIL

January, 2020

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EXECUTIVE SUMMARY

In September of 2018 the Corrales Water Advisory Board (CWAB) was formed to review water resources challenges and related issues that currently affect or could in the future affect the Village of Corrales. Instead of “starting from scratch”, the CWAB took on the task of building on work done on these issues in the past and documented in the 2004 “Forty Year Water Plan” and the 2012 CWAB report. In our work we found that many of the same challenges and issues that were addressed in the 2004 and 2012 reports are still relevant today.

The 2012 report was used as a framework for this report. Each recommendation made in that report was reviewed by the current CWAB, and updates, changes and additions are provided in the report here. The 2012 recommendations were thoughtful and thorough, but very ambitious, and it appears that most of them were never implemented by the Village. Therefore, we also offer suggestions on how those recommendations could be advanced or removed where deemed appropriate.

There have been two significant events that occurred since the 2012 report was adopted. First, a legal decision (*Bounds v. State Antonio*) removed uncertainty in the constitutional right of individual property owners to have a domestic well on their property for domestic use. Second, the liquids-only, wastewater-effluent pipeline along Corrales Road was completed. Both of these events impacted Corrales in a positive way and have mitigated some of the concerns and recommendations raised by the 2012 CWAB report.

Summary of Recommendations

1. We recommend the Village not pursue developing a municipal water system at this time. Doing so would be extremely expensive, both in initial construction and annual operating costs. Such an endeavor would involve the Village acquiring and transferring water rights, drilling wells, installing pipelines and meters throughout the village, and setting up a Village water utility with a staff of 4 to 5 full-time personnel.

2. Public education on water and sewer issues is highly recommended. Pertinent educational material, which is included in the present document, can be made available on the Village website, and provided as an educational package that realtors can provide to all people moving into the area.

3. The liquid sewage collection line should be extended until it reaches as much of the Village as is practical, especially to areas susceptible to shallow groundwater contamination. Residents should be encouraged to connect this wastewater system, and financial assistance should be provided to those to cover the initial costs associated with connection to the system.

4. The village should participate in water monitoring programs offered by state and other agencies, and should not duplicate existing regulations. The Village should not create its own system of well monitoring, water quality testing or issuing well permits. Some of these data are available through the New Mexico Office of the State Engineer (NMOSE). Collecting such data is expensive, requires clear goals of use and requires a long-term commitment to the continuity of database management. Instead, the Village should participate in existing and future water monitoring programs offered by state and other agencies such as the NM Bureau of Geology and Mineral Resources Aquifer Mapping Program or others that produce water information at little or no cost.

5. We recommend that the Village identify an environmental staff person. Such an individual will be familiar with State and Federal environmental regulations concerning land and water use and basic hydrology. This person will collaborate with State and Federal agencies as needed and take the lead in making sure that the Village is in compliance with environmental and resource management regulations, that residents are educated about water issues, and that the Village pursues whatever services and grants are available to it. Village funds should be earmarked to support training and seminar attendance for identified staff.

6. The Village should support the expansion of the fire protection water lines and fire hydrants, and additional water tanks. Corrales has limited ability to suppress fires that may occur in structures or in the natural environment. Though surface water can be accessed, it is not distributed throughout the Village such that it can provide a reliable supply to fight fires. The CWAB recommends supporting the extension of the existing fire suppression system to better provide service for better protection of residents and businesses in Corrales.

INTRODUCTION

The Village of Corrales (“ the Village”) is concerned that a sustainable supply of quality water is available to service our community in order to ensure commerce and a strong local economy as well as to promote and protect the health and quality of life of its residents. However, because water resources in New Mexico are controlled by numerous federal and state laws and regulations that are administered through a network of agencies (the Bureau of Reclamation, US EPA, the Office of the State Engineer Interstate Stream Commission, Irrigation Districts and Pueblos), the Village is limited in what it can do to control water resources within its boundaries. It is important that the Village understands the extent to which it should, or legally and physically can, act to influence or manage surface and groundwater resources.

To that end, Mayor Jo Anne Roake re-formed the Corrales Water Advisory Board (CWAB) to review water resources challenges and related issues that currently affect, or could in the future affect, the Village of Corrales. Five CWAB members were appointed and approved by the Village Council - Bert Coxe, Wendy Fidaio, Brad Sumrall, Don Turton and Maryann Wasiolek (Sept. 11, 2018). All of the members are volunteers and residents of Corrales. The first meeting was held on July 17, 2018 where the Mayor’s charge to the board was presented. The CWAB has been meeting once a month since that date.

The water resource challenges and issues the CWAB were asked to address cover a wide range of topics such as legal and legislative issues, water quantity, water quality, water rights, education, septic systems and municipal use issues. This is a daunting task for any group, especially a committee of five volunteers with a 2-year time limit. Therefore, instead of “starting from scratch”, the CWAB took on the task of building on the excellent work done in two previous reports, the 2004 Forty Year Water Plan (“accepted”, not approved or adopted by the Corrales Village Council October 26, 2004) and a 2012 CWAB report (submitted July 18, 2012).¹ Many of the same challenges and issues were addressed in the 2004 and 2012 reports, and most of their recommendations are still relevant today. Others required updating or additions.

¹ The 2012 CWAB was located and reviewed. The “40-Year Plan” was not available from any source, although its content was reported in a December 18, 2004 article in the Corrales Comment. Although this report was called a “40-Year Water Plan,” it was not submitted to the NMOSE or the NMISC, and appears to have not met the content and standards set out by the State for an actual “40-Year Water Development Plan.”

The 2012 report was adopted as a framework for this report. Each 2012 recommendation was reviewed and updates, changes and additions were provided. The 2012 recommendations were thoughtful and thorough, but very ambitious. We questioned whether the Village has the resources to achieve many of them. Therefore, we also offered suggestions on how those recommendations could be advanced or removed, where appropriate.

Setting and local geology

Corrales is situated in a large geological depression known as the Albuquerque Basin, in the Middle Rio Grande Valley. The basin is about 102 miles long and 25–40 miles wide and covers an area of 4300 square miles. The basin is filled with gravels, sands, sandstones, and mudstones that reach a thickness of up to 12,000 feet.

Surface water in the area includes the flows maintained in the Corrales Main Canal and the Rio Grande, as well as runoff from stormwater. Stormwater runoff is primarily ephemeral and is mostly caused by summer thunderstorms.

Village irrigation and domestic wells produce groundwater from relatively shallow depths. NMOSE records indicate that two aquifers are tapped by wells in the area: a shallow system present from the water table to about 70 feet below land surface, and a deeper aquifer from around 150 to 400 feet below land surface. Both aquifers consist of interbedded unconsolidated gravels, sands, silt, and clay deposited by the Rio Grande within its floodplain. Older wells often tap the shallow aquifer, while newer wells were drilled deeper.

The water table is approximately 5 to 15 feet deep throughout much of Corrales in the lower-elevation properties east of Loma Larga road. Most wells are usually located on individual properties, some very close to the septic systems and leach fields. The close proximity is probably not an issue with properly constructed deeper wells, but shallow wells may be susceptible to contamination.

Summary of past studies

There have been several previous studies concerning the “water situation” in Corrales over the past 20+ years, the most recent in 2012.

40-Year Water Plan (2004)

A previous study completed in 2004 has been referred to as the Corrales 40-Year Water Plan. The first paragraph of the Executive Summary of that plan reportedly reads:

This document is the Village of Corrales' water-use and development plan describing anticipated water needs from 2004 to 2044. The Village of Corrales will submit this plan to the New Mexico State Engineer Office (SEO) and the New Mexico Interstate Stream Commission (ISC) to provide information for regional and statewide planning purposes..

However, in the State of New Mexico, a 40-Year Water Plan is an official document that has many specific and required components, and it must be submitted to and approved by the Office of the State Engineer and the Interstate Stream Commission. In our communications with the Office of the State Engineer, they had no record that Corrales had ever submitted a 40-Year Water Plan, and they do not currently have an approved 40-Year Water Plan for the Village of Corrales. In fact, the current Corrales Water Advisory Board was never able to locate a complete copy of the 2004 document referred to as the “Corrales 40-Year Water Plan”. That taken under consideration, what we have of the 2004 document provides evidence of a lot of good work and well-thought-out recommendations. The remainder of the Executive Summary follows:

The Village of Corrales, at the end of 2003 did not have sufficient water rights to supply the demands of the municipal government or the potential needs of a water system. No justification for a water system has been supported, although triggering events are referenced in this document. The Village is currently working on obtaining priority (1907) water rights to satisfy current and short-term water needs.

The potential for a Village water system was evaluated. At the time of the creation of this plan, one is not deemed necessary, but provisions to continuously monitor water quality are in section xx of the plan.

The Village is also evaluating the need for a sewage treatment system that is being evaluated separately. Results, either final or interim, are referenced in this document. At the time this document was prepared, no decision has been made, nor has justification for a system been supported.

Detailed hydrologic modeling can be performed to determine the actual decrease, if any, on the aquifer and the Rio Grande River, due to continued water mining. This will permit evaluation of the effect on downstream users, including irrigators, municipalities and the Rio Grande River. However, significant work has already been done in parts of Corrales as well as surrounding communities allowing a reasonable extrapolation of the hydrology under Corrales.

Corrales is unique in the Middle Rio Grande region in that virtually all users are self-supplied by domestic wells. Most domestic wells have permits (72-12-1), although a few have priority water rights. The Village is developing a wellhead protection plan to ensure continued protection of the excellent quality of its sources of groundwater. The plan addresses this concept and the belief that it is unlikely that there will be a need for a centralized water system. However, in so doing, the self-supplied system is viewed as a virtual comprehensive supply system to the Village entirety. In general, the Village will not impair the rights of water users, and recognizes that a significant portion of the population has supplies that are based on domestic well permits and not on priority rights.

The Village will monitor development and other activities in the Village to identify and minimize impacts on the aquifer. The Village will also take steps to promote reduction of water use both in municipal savings programs and by regulatory and educational programs within the Village.

This plan also encompasses, but is not limited to, the following goals:

- *Ensure water rights and availability to preserve the local agricultural traditions and a balanced supply for other domestic uses.*
- *Restore the Bosque to enhance water conservation, and reduce the threat of wildfire.*
- *Retain land use patterns that support and ensure a rural and agricultural lifestyle and economy in accordance with the Comprehensive Master Plan for the Village.*
- *Promote education for residents regarding the connection between land use, water and environmental health, and ways to conserve water. These concepts should be put in place as a balanced approach between incentive based, regulatory and educational curriculum, both in area schools as well as public outreach programs.*

- *Provide for monitoring the implementation of the water plan.*
- *Promote the conservation of water.*

Miscellaneous Reports

The CWAB also found copies of several reports in addition to the partial 40-Year Water Plan document. One draft report was for a study completed by the Larkin Group dated August 2005 which was titled “Well Monitoring Program, Village of Corrales”, which included detailed recommendations for a proposed well monitoring program within the Village. This Well Monitoring report included the following appendices: 1) A report by Leedshill-Herkenhoff, Inc. (in conjunction with Southwest Land Research) titled “Final Report, Density Impact Study for the Village of Corrales, May 1996”; and 2) a report titled “Water Quality Standards Evaluations for the Village of Corrales, May 2004, (updated January 2005).” It is unclear who wrote this 2004 report.

CWAB Report (2012)

The last major study on water for the Village of Corrales was performed between 2010 and 2012 by a previous incarnation of the Corrales Water Advisory Board. Their final report (attached as Appendix A), as discussed in the Introduction above, was used as the framework for the current CWAB. As with the 2004 “40-Year Water Plan” report, our current advisory board found that the group who studied these issues in 2010-2012 put a lot of hard work and thoughtful insight into their analysis of the issues surrounding water in Corrales.

The Executive Summary for the 2012 report starts with the following:

The Board has identified three overarching issues facing the Village pertaining to water: (i) the limits of the Village’s legal control over water resources; (ii) a lack of actionable data and information by the Village on the amount of water used, the quality of the water, and the impact of increased use on our water resources; (iii) a lack of understanding or education among Village residents regarding their rights and responsibilities concerning water and the relationship between water and our high desert climate. Most of the recommendations contained in this Report are in response to or intended to address one of these three issues.

As discussed above, the 2012 report outlines many detailed recommendations for the Village. To the current CWAB it was not apparent that any of these 2012

recommendations had ever been acted upon. Therefore, we decided that the best plan for our committee going forward was to start with looking back at the 2012 report, and specifically at their recommendations, and decide which of those we still agreed with and try to bring them back before the Village Council and try to get some proactive movement on these issues.

What has changed since the last study (2012)

Clarifications in the law

At the time the previous Corrales Water Advisory Board issued its final report, the constitutionality of the domestic well statute, which provides the legal basis for individual domestic wells in New Mexico, was in question and was under consideration by the New Mexico Supreme Court. *Bounds v. State Antonio* involved the issue of whether the domestic well statute violated the New Mexico constitutional doctrine of prior appropriation as well as due process of law, by requiring the State to issue domestic well permits without determination of the availability of unappropriated water. If the Court had agreed with the petitioner *Bounds*, the case could have had adverse impacts on domestic wells.

In the end the Supreme Court DID NOT agree with the petitioner. The Court determined that permitting a water right is not the same as guaranteeing a water supply for that right, and further noted that the NMOSE regulations, described above, reflected recognition that the State Engineer had the ability to curtail use of a domestic well. To date, the State Engineer has not targeted Village domestic wells or attempted to set up a domestic-well-management area here. It is possible that if the middle Rio Grande area (from Cochiti reservoir to Elephant Butte reservoir) were to be adjudicated in the future, the State Engineer may try to limit the amount of water the Village's domestic wells can individually pump, but this is speculation, and it would very likely be decades before such action is initiated, if at all.

This legal uncertainty about the legality of domestic well use having been settled, some of the questions raised and recommendations made in the CWAB 2012 report are no longer applicable.

Changes in the Corrales Infrastructure

Since 2012, Corrales has constructed a liquids-only, wastewater effluent pipeline along Corrales Road serving the business corridor. This system consists of a Septic Tank Effluent Pump (STEP) system that accepts effluent from individual septic tanks located along the pipeline's alignment along Corrales Road. At the time of the 2012 report, this line was under construction. This pipeline was designed to convey the liquid effluent from septic tanks located along the pipeline corridor extending from NM 528 (Alameda Rd) to Wagner Lane in the center of the Village. Septic-tank effluent is pumped from each individual source, which ultimately drains into a lift station located south of the Village that discharges into the Albuquerque-Bernalillo County Water Utility Authority system and treated at their South Valley treatment facility.

The Village Fire Department began installation of a water system to provide fire suppression water in 2005. Since that time, the Department has continued to plan and further expand the system to provide wider coverage to more areas of the Village

RECOMMENDATIONS AND DISCUSSION

#1 We recommend the Village not pursue developing a municipal water system at this time.

The newly-constituted Corrales Water Advisory Board addressed the first of the general recommendations of the 2012 Corrales Water Advisory Board Report:

Establish a committee with specific expertise to develop criteria and a framework to evaluate establishment of water delivery or wastewater systems with special emphasis placed on understanding and developing “triggers” or conditions that would necessitate establishment of such systems. (Corrales Water Advisory Board “Report of general recommendations,” submitted July 18, 2012, p. 2)

The 2018 Corrales Water Advisory Board discussed the above recommendation. We are of the opinion that we cannot at the present time anticipate “triggers” or conditions that would necessitate establishment of a Village-wide water delivery system. Without such conditions being defined and imminent, the costs involved in development and maintenance of a water system would be very high for the Village. If, however, in the future, the Village were forced by unforeseen legal or hydrologic circumstances to develop a water system, it is expected that State and Federal monies

would become available to facilitate the process, and time would be allowed for its construction and implementation. It is therefore recommended that the Village not attempt to become a water provider at this time.

Discussion:

General background

At present, most Village households obtain their water from private domestic wells. The drilling and use of these wells is authorized by the New Mexico Constitution, which section now reads:

72-12-1.1. Underground waters; domestic use; permit.

A person, firm or corporation desiring to use public underground waters described in this section for irrigation not to exceed one acre of noncommercial trees, lawn or garden or for household or other domestic use shall make application to the state engineer for a well on a form to be prescribed by the state engineer. Upon the filing of each application describing the use applied for, the state engineer shall issue a permit to the applicant to use the underground waters applied for; provided that permits for domestic water use within municipalities shall be conditioned to require the permittee to comply with all applicable municipal ordinances enacted pursuant to Chapter 3, Article 53 NMSA 1978.

History: 1978 Comp., § 72-12-1.1, enacted by Laws 2003, ch. 298, § 2.

This is often referred to as the “domestic well statute.” This Constitutional right has been constrained and defined by State Engineer administrative regulations. Although the Constitution guarantees that the NMOSE must issue a well permit to an applicant, in 2006 the NMOSE issued a regulation that reduced the default maximum allowable diversion amount from a domestic well from three AFY to one AFY and per well per household. See 19.27.5.9(D)(1) NMAC. The State Engineer has also, by regulation, provided for the creation of “Domestic Well Management Areas,” within which the NMOSE has more power to regulate domestic wells, and within which diversions are reduced to 0.25 AFY in order to protect senior water users. Additionally, domestic wells are “subject to curtailment by priority administration as implemented by the state engineer or a court.” 19.27.5.13(B)(11)

As discussed above, the legality of the “domestic well statute” was settled in 2012 by the New Mexico Supreme Court, and there is now no legal challenge regarding New Mexico homeowners rights to have and use domestic wells.

The Village has little authority over these domestic wells. The Village could extend municipal authority over the drilling of new domestic wells only if it can provide an alternative water supply, and only if connection to that municipal water supply will cost the new potential well owner less than drilling a new well:

3-53-1.1. New domestic water wells; municipal authority.

A. A municipality may, by ordinance, restrict the drilling of new domestic water wells, except for property zoned agricultural, if the property line of the applicant is within three hundred feet of the municipal water distribution lines and the property is located within the exterior boundaries of the municipality.

B. No municipality may deny authorization for a new domestic water well permit to an applicant if the total cost to the applicant of extending the municipal water distribution line, meter and hook-up to the applicant's residence exceeds the cost of drilling a new domestic water well.

C. A municipality that fails to authorize the drilling of a new domestic water well shall provide domestic water service within ninety days to the property owner under the municipal water provider's usual and customary charges and rate schedules.

D. A municipality shall file with the state engineer its municipal ordinance restricting the drilling of new domestic water wells.

E. An applicant for a domestic water well located within the exterior boundaries of a municipality with a new domestic water well drilling ordinance shall obtain a permit to drill the well from the municipality subsequent to the state engineer's approval.

F. A municipality with a domestic water well drilling ordinance shall act upon a new domestic water well permit application within thirty days of receipt of the request.

G. A municipality shall notify the state engineer of all municipal permit denials for domestic well authorization.

H. An applicant may appeal the decision of the municipality to the district court in the county of the municipality.

History: Laws 2001, ch. 207, § 1.

How many Acre Feet per Year (AFY) would be required if the Village wanted to set up a municipal system?

According to the US Census, 8,549 persons are currently living in 3,562 households in the Village of Corrales <http://worldpopulationreview.com/us-cities/corrales-nm-population>. This number of households probably represents

approximately 3,500 domestic wells. NMOSE records indicate that an additional 500 to 700 other types of wells with water rights exist within the Village.

If assumed that each domestic well pumps 0.25 AFY, water use is approximately 875 AFY for domestic use; additional water is no doubt used in gardens and landscaping.² If each household pumped an additional 0.05 AFY (45 gallons per day) for outdoor use, then total water use would be 1,050 AFY. This number may be an under-estimate or an overestimate, but is a reasonable approximation of the minimum number of water rights which the Village would need to acquire if it were to develop a municipal system and remove people from wells, and seek to acquire and transfer an equivalent number of water rights.³ There are no hard and fast figures for the value of water rights within in the Rio Grande valley. Figures for recent sales appear to range from \$5000 to \$15,000 per consumptive acre-foot. Purchase of 1,050 AFY could range between \$5,250,000 to \$15,750,000. Because the applications to transfer these water rights would be subject to advertisement and protest, legal costs could add an additional cost.

An alternative to purchase of water rights would be for the Village to require all households with domestic wells to transfer their indoor domestic water use (0.25 AFY) to the Village using OSE Form WR-31. The well owner could retain the well for outdoor use only. Under these circumstances, each domestic well would be either capped or metered. Each Application is limited to 12 wells, so the Village would need to file 290 applications at \$75 per application. These applications would be subject to advertisement and protest. This would certainly be more economical than water rights purchase, but would require much more work on the part of the Village to get people to sign off.

Required Infrastructure

Assuming that the Village acquired and transferred water rights, there would be significant capital investment for pumping, storing, and delivering the water. Two

² An acre-foot is 325,851 gallons. Pumping of 0.25 acre-feet over a years' time would provide 223 gallons per day per household.

³ According to NMOSE WATERS (on-line data access), the Village has 25.83 AFY of well water rights and 52.415 AFY of surface water rights. These figures do not comport with the recollection of John Brown, a member of the previous Water Committee. A cursory review of the Village's documentation of water rights in the OSE files seem to indicate that it is possible that some water rights have been canceled. If the Village does not have clear documentation of its water rights, it is highly recommended that they contact the NMOSE and ask for a review & summary of them.

to three wells would need to be drilled and equipped at an approximate cost of \$250,000 to \$500,000 each. At least two 500,000 gallon above-ground tanks would be required at a cost of about \$500,000 each. Transmission pipelines from the tanks, system distribution lines and service lines to homes would require construction at significant cost, as well as installing water meters at each service line, as well as at the tanks and wells.

Administrative and Regulatory Requirements:

To physically operate the new water system to deliver water, meet NMOSE and NMED regulations, and provide customer service for water, the Village would be required to establish a municipal water utility to meet regulatory and system operation requirements. A staff of at least five persons would be necessary, two of whom would need to be certified public water supply system operators. The NMED Drinking Water Bureau has extensive regulations regarding the establishment of a new Public Water System https://www.env.nm.gov/drinking_water/laws-and-regs/. The NMED requires weekly sampling and reporting for coliforms from numerous points, and periodic more extensive chemical sampling in accordance with the requirements within the Safe Drinking Water Act. The NMOSE would require a filing of monthly to quarterly pumping records along with regular reporting of water quality standards.

#2 Public education on water and sewer issues is highly recommended

Corrales, like many small towns in New Mexico and other rural states, relies heavily on the use of residential on-site systems for both water supply and wastewater disposal. Most residences in Corrales obtain their water from a domestic well and dispose of their wastewater through septic tanks and leach field systems. The Corrales Water Advisory Board, has as one of its missions, helping to educate Corrales residents on issues around water in our community: its source; how we use it; how to conserve the resource; how to deal with waste water and avoid contamination of the resource.

Below we include links to various reports that we think the residents of Corrales may find useful and interesting around the issue of water and especially groundwater. The first couple of links are two general, but also comprehensive, reports relating to groundwater and living in a rural or semi-rural community. The links further down

in this section relate to more specific issues. We highly recommend that these short discussions and links be posted on the Village website. We also recommend that realtors be required to provide to new home owners a printed copy of these discussions, and possibly printed flyers about septic system and well maintenance .

Rural Homeowner's Well Guidance

The first link below is to a report by the U. S. Geological Survey (USGS) titled "Groundwater and the Rural Homeowner". It is a comprehensive report, written for the public to help citizens, and especially homeowners, understand the basics of groundwater – the hydrologic cycle, what aquifers are, water wells, water quality, contamination, septic systems, and many other issues about living in an area without community water or sewer systems.

https://pubs.usgs.gov/gip/gw_ruralhomeowner/pdf/gw_ruralhomeowner.pdf

The second link is a report from the New Mexico Office of the State Engineer, so it is geared specifically to the situation in New Mexico.

"The Rural Homeowner's Water Guide" (1991)

<http://www.ose.state.nm.us/WUC/PDF/The%20Rural%20Water%20Homeowner's%20Water%20Guide%20-%20Pdf.pdf>

"The Rural Homeowner's Water Guide" was prepared by NMOSE staff "to help current and potential landowners find the information they need to make wise choices about water supply, water rights, well drilling, sewage disposal, water testing, acequias or community ditch associations, flood protection and problem prevention." Although it is almost 20 years old, the practical advice about constructing and maintaining a well and septic system is still valid. The reader should be aware, however, that a domestic well can no longer appropriate 3.0 AFY, as is stated in the booklet, but only up to a maximum of 1.0 AFY unless the well-owner can demonstrate that the well will not impact existing water rights, in which case 3.0 AFY may be used. NMAC 19.27.5.9D(1) This document is available on the NMOSE website.

Septic Systems

Most of us who live in Corrales have a septic system (individual or shared) for dealing with our waste water. It is important that septic tanks and leach fields are properly constructed and maintained to prevent both the spread of disease and to protect groundwater quality, a resource upon which all Corrales residents depend. The use of greywater is an innovative and sustainable use of wastewater that has not been

contaminated by food or human waste. State regulations allow the use of greywater for landscape irrigation thereby reducing demand on one's potable water supply well. The links below provide references for proper installation and maintenance of septic systems and greywater system installation and operational guidance.

<https://www.env.nm.gov/fod/LiquidWaste/documents/Winter2011TankBasics.pdf>

https://www.env.nm.gov/liquid_waste/conventional-systems

https://www.env.nm.gov/liquid_waste/operation-and-maintenance

<https://www.ose.state.us/WUC/PDF/NewMexGWGuide.pdf>

Understanding and Practicing Water Conservation

The following links provide introductory information about the geology of the water table and a variety of sustainable water usage practices the homeowner can utilize for water conservation. Many of the uses recommended are common sense practices. For example, use washing machines and dishwashers when full and on short cycles. Do your outdoor irrigation on short cycles at night when there is less opportunity for evaporation and use greywater when possible. Install low use toilets and shower heads, keep showers short. Periodically check your pipes and faucets for leaks. These and other practices are described on the following websites:

<https://www.epa.gov/watersense>

<https://www.bernco.gov/public-works/water-conservation-programs.aspx>

<http://www.harvesth2o.com/>

Landscaping and Xeriscaping

Residential landscapes can create large demands for water. Up to one half or more of a family's annual well water use can go to landscaping, depending on the plants used and how they are watered. The Corrales Village Code (18.88 and 18.34) sets limits for new residential construction (on A-1 and A-2 Agricultural and Residential land) on the minimum area to be put in xeriscaping (20 %) and maximum areas put in to cold weather grasses (20%). On developed land and in areas not required by code, making the right choices of plants will conserve water, save money and insure the success of your landscape. Native plants that are adapted to our climate are almost always a good choice. Consider xeriscaping if you enjoy the look of the high desert. Xeriscapes will conserve the most water and require little maintenance once established. If you prefer a "greener" look, choose low- to medium-water-use trees

and shrubs and low-water-use grasses. The use of cool-season, high-water-demanding grasses should be minimized.

Make use of natural surface runoff to assist in watering trees and shrubs by creating depressions or swales where water can collect. Trapping or directing runoff from roofs of homes and sheds can also create additional water for medium- and high-water-using plants. These practices will also reduce storm runoff and reduce erosion.

The links below are excellent resources:

A colorful guide from the Albuquerque Bernalillo County Water Utility Authority:
http://www.abcwua.org/uploads/files/Xeric_Guide_08292017.pdf

From the New Mexico Office of the State Engineer web site a large amount of technical to non-technical water information. Home owners should look under the “Water Conservation” and “Conservation Resources” headings in the left menu bar:
<http://www.ose.state.nm.us/WUC/index.php>

The home page of the NMSU Cooperative Extension Service, with resources and links to CES Agents
<https://extension.nmsu.edu>

A program of the NMSU CES, composed of local residents who are trained to make recommendations on plant choices, care and disease control:
<https://aces.nmsu.edu/ces/mastergardeners/>

3 - The liquid sewage collection line should be extended until it reaches as much of the Village as is practical.

Corrales has constructed a liquids-only, wastewater effluent pipeline along Corrales Road serving the business corridor. This system consists of a Septic Tank Effluent Pump (STEP) system that accepts effluent from individual septic tanks located along the pipeline’s alignment along Corrales Road. At the time of the 2012 report, this line was under construction. This pipeline was designed to convey the liquid effluent from septic tanks located along the pipeline corridor extending from NM 528 (Alameda Rd) to Wagner Lane in the center of the Village. Septic-tank effluent is pumped from each individual source, which ultimately drains into a lift station located south of the

Village that discharges into the Albuquerque-Bernalillo County Water Utility Authority system and treated at their South Valley treatment facility.

We are of the opinion that the expansion of the STEP system constructed along a portion of Corrales Road is highly desirable. Continued expansion of the system as noted in planning documents is worthwhile and extension of another line up Loma Larga is also strongly encouraged. Connecting the Corrales Road and the proposed Loma Larga line would add redundancy to the system and mitigate the need for emergency shutdown due to blockages or maintenance needs along either primary leg. Removal of septic effluent from the shallow aquifer system should gradually mitigate the existing anoxic conditions and improve water quality.

People should be encouraged to hookup, and financial assistance should be provided to those in need of the initial costs associated with connection.

Discussion

The pressure rated pipe is 8-inches in diameter beginning at the lift station south of Corrales Road and NM 528 (Alameda) and decreases to 6-inch near Meadowlark Lane. The system is pressurized through the use of Septic Tank Ejector Pumps (STEP) that discharge only liquids from individual septic tanks connected to the system. This type of system eliminates the need for leach fields for each tank but still requires periodic pumping of the solids that remain.

At the time of this report, more than 40 businesses, municipal and government facilities, and residences along Corrales Road have been connected to the wastewater line, and the line is functioning as designed. There are plans, currently under discussion by the Village, to extend an additional branch of this system to other portions of the Village that would benefit from retirement of their on-site septic and leach field systems. The provision for extension of the system outside the Corrales Road corridor to adjoining neighborhoods was included during the construction of the main line.

Discussions are underway to extend service laterals into several neighborhoods at Priestly, Coraval, Ranchitos, Coronado, Mockingbird, East Ella, Mountain Shadows, Mama and Perea Roads. Perea Road residents have expressed interest in connecting to the system but line extension is limited due to limited access since Perea is a private road and not public right-of-way. The Village is working to obtain an easement to allow extending the line but no timetable is established.

A larger branch of the system has been proposed to extend from the discharge terminus up Loma Larga to collect effluent from the Pueblo Los Cerros development to allow decommissioning of their on-site wastewater treatment system. A cross connection between the proposed Loma Larga extension and the main line in Corrales Road is also under consideration to provide redundancy should maintenance be needed on either main line.

#4: The village should participate in water monitoring programs offered by state and other agencies, and should not duplicate existing regulations. The Village should not create its own system of well monitoring, water quality testing or issuing well permits.

The 2012 CWAB report and the 2003 40-year Water Development Plan recommended that the Village require all homeowners file a duplicate NMOSE permit with the Village before drilling a new, or improving an old, domestic well. Those reports also recommended voluntary metering of wells and water quality sampling. We disagree with these recommendations. The NMOSE administers groundwater throughout the State, issuing permits to drill wells, collecting fees to do so, regulating drillers, collecting well records after drilling is completed, and regulating water rights. The NMOSE requires meters in certain areas and collects the meter records. This data is public information and is available from NMOSE when needed. Requiring the filing of Village permits would create needless duplication. Moreover, the Village would have to identify and train staff and provide monetary and other resources to process, use and maintain this information. We also believe that the Village does not have the regulatory authority to act on this information, assuming that they did have copies of all this data.

Discussion

Developing a monitoring network to measure groundwater levels and water quality is an expensive proposition that requires a long-term commitment and budget to provide continuity of measurements, establishing consistent methods and chains-of-custody and that address a clear goal. Using a volunteer sampling program is problematic because continuity of the record could be broken if a property is sold and the new owner isn't interested in participating in the program.

The Village should participate in programs that already exist, or may exist in the future, to monitor groundwater quality and well water levels. This would allow the Village to obtain information at little or no cost if it is determined in the future that such data would be useful. One such program is the NM Bureau of Geology and Mineral Resources Aquifer Mapping Program (AMP). The Village should add its municipal wells to this program. AMP has a consistent program of sampling and analysis protocols and maintains a state-wide database that can be accessed as needed. There is also an opportunity to perform water quality sampling under the AMP program. The addition of other wells to this program could be evaluated at a later date. Well water quality could be collected through existing programs such as NMED Water Fairs. A NMED Water Fair was conducted in Corrales on October 20, 2019; we will next be eligible for one in 2-3 years.

The recognition that a central, accessible repository for water data is desirable led to the passage of the Water Data Act (HB 651 2019) earlier this year in New Mexico. The act requires water and ecological data from federal, state, tribal and local entities to be organized in a consistent format and stored on a public access database. Funding was also allocated for this effort.

5 - The Village should identify an environmental staff person.

The Village should identify a person on staff who is currently, or can become through a training program, familiar with State and Federal environmental regulations concerning land and water use and basic hydrology. This person would interface with State and Federal agencies as needed and take the lead in making sure that the Village is in compliance with environmental and resource-management regulations, that residents are educated about water issues, and that the Village pursues whatever services and grants are available be them, public or private. Village funds should be earmarked to support training and seminar attendance for identified staff in areas such as drinking water compliance, wastewater compliance, greywater use and permitting and drainage and stormwater regulations and programs.

#6-The Village should support the expansion of the fire protection water lines and fire hydrants, and additional water tanks.

Corrales has limited ability to suppress fires that may occur in structures or in the natural environment. Though surface water can be accessed, it is not distributed

throughout the Village such that it can provide a reliable supply to fight fires. The CWAB recommends supporting the extension of the existing fire suppression system to better provide service for better protection of residents and businesses in Corrales.

Discussion

The fire suppression system is managed by the Village of Corrales Fire Department based on a plan initiated in 2005 to extend delivery of fire suppression water to a larger portion of the Village. Currently the system is supported by four individual wells and water storage tanks that are used to supply fire department tankers (3 in service of 1500-2000 gallon capacity) to deliver water to fire events. The tank locations and capacities are as follows:

Main Fire Station: 120,000 gallons

Loma Larga Tank: 84,000 gallons

Fire Substation: 54,000 gallons

Rec Center: 38,000 gallons

An additional tank used for supply at the Village Hall of 40,000 gallons can also be used as a supply if needed. Independent of the Village system, Corrales Elementary has a 60,000 gallon fire tank which can be interconnected with the Village system along Corrales Road in an emergency.

The Chief has leveraged State funds to continue to develop and expand the system to better serve Village needs. Recent expansion of the system has occurred including extending service from the Main Fire Station system to the San Ysidro Church on Corrales Road and a leg extended along Old Church Road to supply Casa San Ysidro Church. Further extension of the Loma Larga system is underway. The tank at Loma Larga is connected to 4 pumps that can pressurize the system to approximately 60 psi. Eight-inch water lines have been extended both north and south of the Loma Larga tank along Loma Larga Road. The goal is to continue to extend these lines northward to better serve the 7th Day Adventist Academy and southward to obtain better coverage for areas along Loma Larga.

Future Plans for the system include creating a more redundant system going forward. The Chief has planned to connect the Loma Larga and the Main Fire Station Systems. Ultimately, the Chief would like to extend both the Loma Larga and the Main Fire Station systems southward along their respective alignments and interconnect them

on the southern limit of the Village to create a loop which can supply water from both tanks simultaneously.

All system elements have been constructed to American Water Works Association (AWWA) standards which specify pipe material and construction method requirements. These are the standards used most consistently in the country for installation of water supply systems be them for fire supply or drinking water systems. An important note; the Chief stated he is not in a position to advocate or manage a public drinking water system which is outside his authority and expertise.

Challenges in extending the system include competition for publicly available funds and obtaining easements to further extend the system across privately owned land. The Chief has worked with Village Planning & Zoning to institute development fees on commercial businesses in order to further expand the fire suppression system. In addition, more water rights are needed to support system expansion going forward.

Acknowledgements

The Corrales Water Advisory Board would like to acknowledge the following individuals who helped us with our work in the past 1.5 years: Corrales Mayor Joanne Roake, Public Works Director - Michael Chavez, Fire Chief - Anthony Martinez, Village Administrator - Ron Curry, Matthew Smith - New Mexico Environment Department, John Brown - 2012 CWAB, Jeff Radford - Publisher of the Corrales Comment. Lastly we would like to thank the Corrales Village Staff for their help and support during this ongoing study.

**Appendix A: “Corrales Water Advisory Board - Report of General
Recommendations, Submitted July 18, 2012”**

Corrales Water Advisory Board

Report of General Recommendations

Submitted July 18, 2012

I. Introduction

This Report is submitted by the Corrales Water Advisory Board (the “Board”), pursuant to Resolution No. 10-063, adopted by the Village of Corrales on December 21, 2010 and attached hereto as Exhibit A. The Board has been asked to provide recommendations on critical water issues facing the Village. The Board unanimously approved this Report on July 9, 2012.

The Board is comprised of local residents with different backgrounds and areas of expertise. The Chair of the Board is Kyle Armstrong, a former attorney. Dr. David Betsill is an interdisciplinary hydrologist at Sandia Laboratories. John Brown has long been involved with water and land use issues and previously served as executive director of the New Mexico Water Dialogue. Evelyn Losak has been a leader on agricultural issues in the Village and is a tremendous source of information on Village history. Patrick McClernon, who served as the Board’s Secretary, is a retired architect with experience in landscaping and land-use issues.

The mandate given the Board is quite broad. Accordingly, the Board undertook to examine a range of water-related issues. The Board tried to hold monthly public meetings, with each meeting generally given to one speaker or topic. Speakers either approached the Board and asked to speak on a particular topic or were identified by a Board member as having expertise in his or her respective field. Topics reviewed included conservation, legal issues facing the Village, agriculture, hydrology, and the Village’s Forty Year Water Plan. In November, the Board publicized and held a Water Forum in order to obtain greater input from Village residents on the issues and topics that concern them. Minutes were kept for each meeting and have been made available to the Village.

II. Executive Summary

The Board has identified three overarching issues facing the Village pertaining to water: (i) the limits of the Village’s legal control over water resources; (ii) a lack of actionable data and information by the Village on the amount of water used, the quality of the water, and the impact of increased use on our water resources; and, (iii) a lack of understanding or education among Village residents regarding their rights and responsibilities concerning water and the relationship between water and our high desert climate. Most of the recommendations contained in this Report are in response to or intended to address one of these three issues.

The State of New Mexico’s legal structure vests a great deal of control over water at the state or regional level, limiting the control municipalities may exercise over water resources. Corrales’ limited wastewater system and lack of a water delivery system means that the Village exercises even less control over its water resources than do our urban neighbors. A direct result of this unique characteristic is that changes to water laws or regulations that impact Corrales may receive less attention than changes that would affect urban centers or a larger number of farmers or ranchers. The Village must take

more proactive steps to monitor and, if necessary, act to influence proposed changes to our water laws.

A major impediment to effective advocacy on behalf of Village residents is a lack of basic water use information. Simply put, the Village lacks comprehensive data on a range of important issues, including: the number, location and depth of irrigation and domestic wells in the Village, and the quality of our water, including any findings of contaminated water, and the amount of water used for agricultural purposes or for domestic purposes. Information available through state agencies is fragmented and possibly incomplete. This is to say nothing of the lack of data concerning changes in our water table (if any), especially those caused by the growth of the Village and the surrounding areas. Even if changes to the aquifer are caused by external factors, the Village lacks information that would enable officials or administrators to implement effective policies or to effectively advocate on the state and regional level on behalf of the Village's interests, regardless of whether the changes are due to internal or external forces. Therefore, we propose a series of measures that will enable the Village to aggregate additional data about the use of water in the Village and to monitor key statistics over time.

Finally, the Village should act as a conduit for information that will allow residents to act responsibly to preserve their water rights and to conserve our resources. As noted above, the lack of a water supply or comprehensive wastewater system means that residents actually exercise a great deal of individual control over our water—and should also exercise a greater degree of responsibility based on reliable information and education. Because the Village does not “control the spigot,” it must be more active in ensuring that residents, including newcomers to the Village or to a desert environment as well as long-time residents, understand our legal framework and the hydrological cycle. The Board proposes that the Village undertake an education campaign to ensure that residents are more knowledgeable about their legal rights, as well as the steps necessary to maintain their water wells and septic systems. In other words, to become “good water citizens.” Such steps will not only ensure that the Village preserves the unique relationship of water and culture in Corrales, but also to preserve the amount and quality of our water for the future.

Specific recommendations made by the Board include:

- Establish a committee with specific expertise to develop criteria and a framework to evaluate establishment of water delivery or wastewater systems with special emphasis placed on understanding and developing “triggers” or conditions that would necessitate establishment of such systems. (Section V, “**Village-Wide Water Systems**”)
- Develop multi-media educational materials that can be made available to Corrales residents. Materials should include information on our hydrological cycle and the rights and responsibilities of residents. (Section V, “**Data Collection, Education and Public Information**”) Information can be made available in pamphlets and

on the Village website, and can also be distributed by realtors or at other high-traffic venues. (Section V, “**Partnerships**”)

- Strengthen educational programs in our schools and make available experts on a wide variety of water topics. (Section V, “**Data Collection, Education and Public Information**”)
- As part of collecting additional data, continue to seek residents to voluntarily provide periodic water samples for water quality testing, measure depth to water in selected wells, and install water meters to monitor water consumption rates. (Section V, “**Water Quality and Metering**”)
- To assist in the aggregation of data, require that any filing made in Office of the State Engineer for a permit to drill a new well, re-work or deepen an existing well, or for the transfer of a well, also be provided to the Village offices. (Section V, “**Permits**”)
- Institute conservation measures that are in line with our hydrologic cycle and will not impair aquifer recharge, such as requiring water efficient fixtures in businesses tied into the wastewater line, and include conservation measures and opportunities in Village educational materials. (Section V, “**Conservation**”)
- Request that the Office of the State Engineer and the New Mexico Environment Department notify the Village of any proposed changes to regulations covering domestic water wells, irrigation wells, or water quality standards. (Section V, “**Legal Monitoring**”)
- Establish a standing water committee to monitor and make recommendations to the Village on proposed changes to statute, regulations, or court cases that would impact Corrales. (Section V, “**Legal Monitoring**”)
- Expand on existing partnerships. The Village requires additional resources, both human expertise and financial, to monitor and evaluate additional data collected by the Village. (“Section V, “**Partnerships**”)
- Request that Intel make available its deep aquifer wells for testing by the Village. (“Section V, “**Partnerships**”)
- Work with Roadrunner Waste Services, local realtors, and others to distribute educational materials. (“Section V, “**Partnerships**”)

III. Water & the Village

A. History & Hydrology

An overview of the Village and its relationship with water is provided in the *Village of Corrales Forty Year Water Plan*¹ (the “Forty Year Plan”), attached as Exhibit B. While the Board has not formally adopted these provisions, Section III (*Background Information*), Section IV (*Water Resources*), and Section V (*Water Demand*) provide excellent background on the history of water in the Village and our hydrologic cycle.

¹ The Forty Year Plan was accepted but not adopted by the Village Council. Over time many of its recommendations have been individually implemented. This Report contains many similar recommendations, and the Forty Year Plan provides an excellent roadmap for water issues.

This Report includes two additions and revisions to these sections: an update on the growth of the Village and construction of the wastewater line for the Village's business corridor.

Village Growth & the Continuing Importance of Agriculture

The Village has clearly expanded from its agricultural roots, and while farming continues to be a significant characteristic of Corrales, an increasing number of residents commute into one of the adjacent cities or have chosen to retire here. This change in lifestyle has had a significant impact on the number of Corraleños.

According to the U.S. Census, the number of residents in the Village in 1990 stood at 5,453, growing to 7,334 residents in 2000, and the most recent Census counted 8,329 residents in 2010. This represents almost a 13% growth in the last decade, and over 50% growth in just the last twenty years. A corresponding growth in the number of residential buildings has also occurred: 2,196 units in 1990, to 2,983 units in 2000, and finally 3,809 units in 2010. That's a change of 27% in the last decade and 73% since 1990. This has likely resulted in an increase in the number of domestic water wells.²

Growth in the number of Village residents does not necessarily mean that more water is consumed annually. It is possible that our consumption has decreased as Corrales has shifted from being a primarily agricultural community. As discussed throughout this Report, one of the primary hurdles to effective management of our water resources is that the Village has very little information on the amounts consumed or changes in consumption over time, or changes in our aquifer due to Village use, the growth of Rio Rancho, or other factors. Without better data, we can only posit hypotheticals about what the Village's water use looks like and what further action the Village requires.

It is also important in this context to appreciate that Village land-use policies and ordinances stress the value Corraleños place on our rural and agricultural heritage and our agricultural landscapes. Conventional wisdom has it that irrigated agriculture is the "single largest user" of New Mexico's water supply, implying that agriculture "wastes" water. However, that assertion is not supported for the Middle Rio Grande water-planning region, where the latest available data (from 1995) on consumptive uses cited in the MRG Water Plan show that agriculture accounted for 27.5%, just slightly more than that allocated to public supply and self-supplied domestic, commercial, and industrial uses (27.4%), and less than "riparian vegetation" (28.1%) within our region.³ Moreover,

² This does not necessarily correspond to a 1:1 growth in the number of domestic water wells. A house may use an irrigation well for its domestic water consumption, or may even have more than one water well.

³ Although irrigated agriculture accounted for about half of all *withdrawals* in 1995, *consumption* (or depletion) is reduced by returns to the shallow groundwater or directly to the river (Source: Nims, Joshua, Sara E. Gram, Roger I. Peery [John Shomaker & Associates, Inc.] and Susan Gorman [Pioneerwest], 2000. *Historical and Current Water*

water diverted for agriculture but not taken up by plants seeps into and replenishes the shallow groundwater system or returns directly to the river. The Board is persuaded that such ecological services and amenities have value beyond strictly economic calculations, and that although water should not be wasted, conservation measures that “save” water only to facilitate unsustainable growth here or elsewhere in the region are questionable.

Wastewater Line

The second significant change in the Village since the 2004 Forty Year Plan pertains to the ongoing establishment of a wastewater line along Corrales Road serving the business corridor. At the time of this report, the pipe is currently being installed and completion is expected by no later than October 2, 2012. The line is designed to carry only liquid waste, which will go into the Albuquerque-Bernalillo County Water Utility Authority to be processed at their South Valley treatment facility. It is expected that businesses along Corrales Road will be connected to the wastewater line, and eventually residential units may be connected as well.

The development of the wastewater line has been a highly publicized topic that has received a great deal of attention within the community. Accordingly, this Report does not seek to address any of the remaining issues concerning the wastewater line. Recommendations are made concerning the issue of a village-wide water delivery or wastewater system in Section V, “**Village-Wide Water Systems.**”

IV. Water & the Law

Overview

New Mexico follows the “first in time,” or, prior appropriation, doctrine (hereafter the “priority doctrine”). That is, one who makes beneficial use of water will typically enjoy greater rights than someone who makes beneficial use of water at a later point in time. The Constitution of the State of New Mexico specifically adopted the priority doctrine, stating that: “Priority of application shall be given the better right” (N.M. Const. art. XVI, § 2). In practice, the statutes, regulations, treaties, and court cases that constitute our water law make for an incredibly complex system characterized by a great deal of uncertainty concerning who really owns a right to use our water, and what rights such ownership conveys.⁴

Administration of water is vested in all levels of government. The most important administrator of water in the state is the Office of the State Engineer (the “State Engineer”). The State Engineer is empowered to enforce the priority doctrine, to

Use in the Middle Rio Grande Region. Prepared for the Middle Rio Grande Council of Governments, Albuquerque, NM.)

⁴ This Report, in accordance with the Board’s mandate, does not provide a comprehensive review of our water law, but instead attempts to provide a very broad background and to focus on the most pertinent legal issues.

administer water rights, and to ensure that New Mexico is meeting its various water delivery obligations as required by treaty or law (see NMSA 1978, §§ 72-2-1 through 72-2-18). Also pertinent to the Village are the potential regional conservancy districts that are intended to provide for irrigation and flood control, among other things (see NMSA 1978, §§ 73-14-1 through 73-14-92). Currently there is only one regional conservancy district, the Middle Rio Grande Conservancy District (MRGCD), which is tasked with maintaining and regulating the ditches that carry water for irrigation through Corrales. In effect, the State Engineer and the MRGCD exercise a great deal of control over the water in, around, and under Corrales, and the Village cannot seek to exercise control over its water resources in a manner that is inconsistent with state law or regulation or that would conflict with the administration of such statutes and regulations.

Municipalities are, however, also granted certain rights and responsibilities over their water, including the right to place some restrictions on water use, the purposes that water can be used for, and any other restriction that does not conflict with applicable law or individual water rights. The domestic well statute (discussed below) specifically holds that “permits for domestic water use within municipalities shall be conditioned to require the permitted to comply with all applicable municipal ordinances” (NMSA 1978, § 72-12-1.1). Because of this, the Village can implement ordinances that are complementary or supplementary to other water laws.

Priority Rights

The priority system is of particular importance to our agricultural interests. In the Middle Rio Grande Basin, where Corrales is located, ground water rights are considered senior if placed to beneficial use before subsequent water users. Pre-1907 water rights generally have the greatest seniority but are also subject to the priority doctrine.⁵ Any water right exercised prior to March 19, 1907 does not require a permit from the State Engineer and the holder of the water right only needs to demonstrate that the water was continuously exercised since that time. In theory, those who hold senior water rights would be permitted to withdraw water if the State Engineer were to place restrictions on use of water because of a prolonged drought or an inability to fulfill the state’s water delivery obligations. In practice, these restrictions have rarely been enforced, and the Middle Rio Grande Basin has not yet been adjudicated—it has not yet been conclusively determined which rights are senior and which are junior. So in the case of a call on junior water right holders, it would be first necessary to determine seniority, which is a protracted process.

Domestic Well Statute

Domestic water wells are arguably an aberration from the general priority doctrine and have several important distinguishing characteristics. Domestic water wells are authorized under the domestic well statute (the “Act”)(see NMSA 1978, §§ 72-12-1 through 72-12-28), and are not a part of the priority system. The Act is administered by

⁵ March 19, 1907 was the date that the State Engineer assumed jurisdiction over the waters of the state.

the State Engineer, which has promulgated regulations under the Act. Under the Act, all applicants are granted a domestic well as a matter of right. An applicant need only submit the required application to the State Engineer. Included in the Act and the regulations are requirements that the drilling, deepening, or any other re-working of a domestic water well must be filed with and approved by the State Engineer (NMSA 1978, § 72-12-26). In addition, the regulations contain several limits on domestic water wells: (i) use is limited to household purposes and for one acre of noncommercial trees, lawn, garden and landscaping (NMAC 19.27.5.7(F)); (ii) use is limited to one acre-foot of water per annum for a single-family residence⁶ (NMAC 19.27.5.9(D)(1)); and (iii) the State Engineer may require that a meter be placed on the well under certain conditions (NMAC 19.27.5.13(C)). The restriction that water from a domestic well can only be used for noncommercial purposes means that such water may not be used to grow crops for sale unless such user enjoys irrigation rights. A user may grow agricultural products for personal consumption but may not sell the agricultural produce or products derived from the agricultural produce to others.

Domestic water wells have several notable and important characteristics that distinguish them from agricultural water rights. First, the permit to drill, re-work, or maintain a domestic water well does not confer a “right” in the same sense that agricultural users enjoy a right to water. A user of a domestic water well merely enjoys permissive use of the water, which could be revoked under certain circumstances.

Second, the very constitutionality of the Act is currently an open question. In October 2011 the New Mexico State Supreme Court heard the case of *Bounds v. D’Antonio* concerning the constitutionality of the Act. At question is whether, because the Act requires that the State Engineer issue a domestic well permit so long as certain procedural requirements are met, without consideration of whether the permit would impair the rights of senior water right holders, the Act violates the priority system as written into the NM Constitution. The trial court initially found the Act to be unconstitutional, whereas the New Mexico Court of Appeals overturned that decision and found the Act constitutional. The Supreme Court is expected to issue an opinion on the case soon. A ruling that the Act is unconstitutional would have an uncertain impact on a community like Corrales and would need to be carefully considered.

Finally, a provision of the regulations that appears to be often overlooked is that a domestic well permit must be amended to reflect new ownership of the domestic water well (see NMAC 19.27.5.12). In other words, when a property with a domestic water well is sold, the new owner should file the proper paperwork with the State Engineer to indicate the change in ownership. Failure to file the change with the State Engineer could result in cancelling of the permit, although it is unclear if the State Engineer has ever

⁶ Up to 3 acre-feet per annum of water may be permissible if the applicant can demonstrate that such use will not impair the water rights of other users.

exercised this authority. However, this is an area in which the Village can take action to protect its residents as well as to gain additional data about wells in the Village.⁷

V. **Recommendations**

A. **Village-Wide Water Systems**

Overview:

The Board recognizes that one of Corrales' defining characteristics stems from our agricultural history, and that the absence of a village-wide water supply or wastewater system is one facet of our culture. However, the recent implementation of a wastewater line reflects that changes in the Village, and the growth of the surrounding urban areas, require changes to our infrastructure from time to time. While maintaining our distinctive culture should be an important consideration, of equal importance is maintaining continuity of access to clean water, in sufficient quantity for both current purposes and future regional requirements.

The lack of a water supply or wastewater system was an obvious topic of discussion. The Board finds that there is insufficient information to make a recommendation on the positives or negatives of a systemic approach. Furthermore, the Board lacks the technical expertise or resources to properly make such a recommendation.

Recommendation:

Appoint a study group of members with expertise to develop and adopt criteria to enable the Village to determine when and if a village-wide water or wastewater system is required or if other options are available. Rather than simply leaving the issue to political pressures, the Board recommends appointing a study group to consider what, if any, criteria might compel the need for a systemic approach. In other words, the discussion should be one of what circumstances might *require* the Village to implement such a change, rather than an open-ended discussion of whether it should look at new systems. The study group should undertake a review of circumstances that would "trigger" specific actions by the Village. These circumstances might include when and how the Village should respond based on findings of: water contamination (to include levels of contamination and how widespread contamination is found across a geographic area), increased water usage or changes to aquifer levels or pressure, or changes to the domestic well statute or other legal issues that would force changes to the status quo.

The proposed study group should also be empowered to explore issues such as available funding on federal or state levels, utilizing alternative water sources, or a partnership with a local municipality or business to implement systemic or other changes.

⁷ See Section V "**Partnerships**" concerning working with realtors to inform purchasers of residential property of the necessity of changing well ownership records.

The issues of water supply and wastewater systems are clearly ones that rightfully bring out strong opinions and passions and which would bear associated costs. The Village is best served by a thoughtful determination of what data are needed and the development of a framework to use that data to determine when, and if, such actions become necessary.

B. Data Collection, Education & Public Information

Overview:

The Board has found that one of the most important water issues facing the Village is both a lack of available information and a lack of education. Many Village residents, especially relative newcomers, are uninformed about their own water sources and Corrales' overall water situation. How much water is there? How much am I allowed to use? Where does it come from? How is it delivered to our homes and fields? How clean is it? What happens to it after we use it (indoors and outside)? What are my rights and responsibilities as to its conservation, use, and disposal? How certain is the reliability of its future supply?

Because the Village has had, until recently, no responsibility for managing any aspect of its water supply,⁸ and lacks direct control over how water is allocated to its residents, no local institutions exist to provide incentives for Corraleños to learn about these matters or to exert influence on their behavior. Moreover, Village officials lack regularly updated information needed to be able to assess our water situation, both as to quantity and quality, that would enable the Village Council to make decisions about possible future actions regarding development of the Village's water and wastewater infrastructure. Data collection is an important component of educating Village officials and residents alike.

Recommendations:

The Village government should:

1. Create and maintain a geographically-keyed database of local water information focusing primarily on domestic well data, to enable officials to monitor changes in water availability and quality over time.
2. Prepare multi-media materials, including an informational pamphlet for realtors to provide to new residents, and for all residents, concerning Corrales' water supply and residents' responsibilities.
3. Compile an "expert" list of volunteer speakers to address civic organizations (adult and youth groups and our schools) on a variety of water topics.
4. Compile a resource list of entities, organizations and literature available to residents to better manage water resources.

⁸ The Corrales Road business corridor wastewater project currently under development and the municipal supply infrastructure for Village-owned facilities are exceptions.

5. Conduct an annual Village Water Fair, perhaps in conjunction with the Growers' Market. (See also "**Water Quality and Metering**")
6. Initiate a voluntary domestic well metering program. (As further discussed in "**Water Quality and Metering**")
7. Require Village permits for new and replacement wells. (As further discussed in "**Permits**")

The following list of topics and programs are suggested to provide for public information and education of Corrales residents and comes out of the Board's identification of the interconnected water issues that touch many of our daily lives. These items can be developed into pamphlets to be provided to residents, posted on the Village website, or can serve as topics for discussion or lectures by experts in such field. This list is not comprehensive but would address many of the questions and concerns that Village residents often raise about our water situation.

History and Demographics

- The farming tradition in the Corrales valley – land grants: why the long lots (and now subdivisions) exist today.
- From many self-governing acequias to a single system – aggradation, draining the swamp, supplying irrigation water from a single diversion.
- Population growth and changing patterns of occupation – from a self-sustaining farming economy to a suburban bedroom community that includes around 3000 domestic wells.

Hydrology

- The water cycle in Corrales and the importance of the Río Grande.
- Surface water: an explanation of the MRGCD system as more than just irrigation ditches.
- Groundwater: how our domestic wells work and are interconnected through groundwater.
- The importance of protecting groundwater from improperly treated waterwater.
- Guidance on proper maintenance of septic tanks and New Mexico Environment Department (NMED) rules on septic tanks and drain fields, horizontal and vertical distance from permitted, cased potable water wells, etc.
- A reminder that anything placed into a septic system has the potential to reach our groundwater. Residents should be vigilant about placing pharmaceuticals, chemicals, or any other hazardous materials into their septic system. Such materials should be disposed of properly and residents should be given information and options on proper disposal options in the area and Village.

Law and Governance

- The legal status of self-supplied domestic wells (as a permit not a right) and the current limits on amount and uses.⁹
- The role of the State Engineer in permitting.
- The differences between “irrigation” wells and domestic water wells.
- Water rights and the MRGCD – public works and “private ditches” – responsibilities and rights of owners.
- *Sin agua la tierra no vale nada* – what it means to “own” a water right – rights resulting from historical irrigation are “appurtenant” to the land irrigated – how they may disappear: forfeiture, abandonment, sale – uncertainty as to status because rights in the Middle Rio Grande Basin are not adjudicated.

Custom and Etiquette

Beyond understanding and obeying our water laws, there are several rules that have enabled neighbors to share water peacefully over the years. These rules can't be legislated, but should be taught and appreciated by all residents. These customs may be well known to long-term residents of the Village and the Southwest but are not necessarily intuitive or obvious to newer residents, and should be included in educational materials. These customs include:

- If a resident has MRGCD access, walk the ditch between the property and the headgate before irrigating to ensure no one has left a turnout open by accident, that there aren't children playing in or near the ditch, that there aren't obstacles in the ditch, etc.
- Work out with neighbors and the ditch rider a regular day and time for taking turns to irrigate.
- Do not block either downstream neighbors' access to water, or access to the easement for walking a shared ditch to open and shut the headgate.

Resources Required and Available

The list for public information and education should be developed into a variety of media formats to more fully distribute to Village residents. Formats include developing a water section on the Village website, inviting speakers and groups to provide information at the Growers' Market and other high traffic events, and direct distribution of educational materials (see “**Partnerships**” section concerning groups and organizations the Village can work with to broadly distribute such information.)

If the Village is to take responsibility for shaping its water future, it will be necessary to devote staff time and possibly fiscal resources to developing the capacity for monitoring the status of Corrales's water supply on an ongoing basis (Recommendation #1).

⁹ Contingent on any changes brought about by the *Bounds* case.

Implementing a voluntary well-metering program (Recommendation #6) may require the Village to purchase or contribute to the cost of meters. A Village well permit requirement (Recommendation #7) would require the Governing Body to enact an ordinance to that effect.

The Board recognizes the historical, cultural, ecological, and economic values of the Village's irrigated agricultural landscapes (*paisajes*), and believes that it is important for Corraleños to appreciate and maintain this heritage in the 21st century. Recommendations #2-5 advocate developing multi-media, multifaceted efforts to reach both our youth and adults with information relevant to living responsibly with our water resources. It should be possible to engage the schools, civic organizations including the Corrales Historical Society, Village officials, and other knowledgeable residents and neighbors in these efforts.

C. Water Quality and Metering

Overview:

The Village lacks data concerning the quality of water and rates of consumption in the Village, and cannot currently track changes over time or to know when problems arise. Efforts in the past to gather water samples through asking residents to voluntarily provide samples has had limited success.

Recommendations:

Along with gathering data about the number, depth, and changes to wells, the Village should continue to gather data about water quality and consumption rates. As outlined in the "**Partnerships**" section below, partnering with local businesses and the Environmental Department is one avenue to voluntarily obtain water samples. The Village should seek to obtain samples at high-traffic events such as the Growers' Market or Harvest Festival. Advertisement can be done through the Village website, Roadrunner Waste Services, and other partners.

While obtaining one-time samples will allow individual residents to check the quality of their water and identify any problem spots, it won't allow for tracking of water over time. The Village should seek to identify individual residents, at varied geographic points in the Village, that are willing to periodically provide water samples.

An additional option available to the Village would be to require that a water sample be provided at the same time that the information concerning the drilling of a new well, the re-working of a well, or the transfer of ownership of a well. While this would not allow for multiple samples over time from one well, it would still allow the Village to obtain data on water quality throughout the Village.

Likewise, required metering would be expensive and leaves open the question of how to analyze large amounts of data. The Village should seek to enlist volunteers (presumably

the same as the volunteers to provide water samples) to install water meters on their domestic wells and to provide the data to the Village. The Village should explore ways to help subsidize meters for residents that voluntarily provide such data.

D. Permits

Overview:

The Village should require copies of every application required to be filed with the State Engineer for the drilling of a new, replacement, transfer or the repair or plugging of existing well also be filed with the Village. This would establish a database for well location and use would aid Corrales to act more responsibly to protect its resources.

Recommendations:

The State Engineer requires application and receipt of approval for every new well, replacement well or repair or deepen existing wells, as well as amendment of permits when ownership of a well is transferred. The permit process requires identification of the applicant/user, the location of the well, purpose of use, and well information such as the depth, casing size, driller's name and license number as well as the well log. Duplicate copies could be filed with the Village by the applicant without requiring additional forms or information. The State Engineer also has the responsibility for the rules and regulations governing well driller licensing, construction, repair and plugging of wells. Driller's information and licensing would not be required by the Village beyond the identification on the well permit.

Other than receiving applications, granting permits and licensing, there is not a regular field inspection of the process for compliance by the State Engineer. The Village would however, have no inspection obligation or review of the completed well or compliance with the standards by the driller. Existing well information should be supplied by residents to the extent available at the State Engineer; however, the Village can gain more complete records more quickly if transfer of ownership filings are also required to be provided to the Village. This would also help protect residents' use of domestic wells should the State Engineer ever seek enforce its authority to revoke permits for not filing the transfer notice. These records should be compiled and available for public review and inspection. This process alone would elevate the appreciation and education of water use in the Village.

E. Conservation

Overview:

Corrales currently requires some measure of water usage reduction through the Corrales Village Code, Land Use section. This should be extended to restrict planting areas and planting types and water efficient irrigation systems that would further reduce the use of fresh water resources.

Recommendations:

Corrales residents should control and reduce water runoff from its site and consume fresh water as efficiently as possible. Efforts should include the design and integration of water efficient strategies such as rainwater harvesting, recycling, and gray water reuse. Water-efficient irrigation and storm water management strategies are strongly linked to site design, particularly landscaping and should be considered integral components of good site design.

Landscaping: The landscaping requirements in the Village Code Land Use section for the Agricultural and rural residential zone (A-1 and A-2) are similar. See sections 18.33 and 34, which prohibit planting Elms, Russian Olive and Tamarisk. Xeriscaping of newly constructed dwelling units is required with a restriction of 20% maximum of the landscaped area dedicated to cool weather grasses such as blue-grass or fescue.

Development in non-residential zones requires minimum landscape areas on a percentage of total lot coverage and has similar requirements of the residential uses. Site plans are reviewed by the Planning Commission and must show the required landscaping. Trees are required, one per 1000 square feet of landscaped area. There is no minimum requirement for the number of shrubs or ground cover and by definition gravel material can be utilized to meet the landscape minimums. This is perhaps the ultimate in low water usage but results in a barren landscape that could benefit from the integration of plant material to soften and cool the site and slow runoff. A minimum number of live plants should be specified in conjunction with the gravel surface.

Currently there are no provisions for previous development to comply with the minimum cold grasses or xeriscaping requirements. The Village should review this for possible implementation to reduce our water usage. Intelligent low water irrigation systems should also be considered a minimum requirement.

Water efficient irrigation applies to the one and two acre tracts that are more representative of Corrales. Laser leveling of fields and lined conveyance systems have been incorporated by many farms to achieve a more efficient system of flood irrigation. High efficiency irrigation technology (drip vs. sprinklers and below ground vs. flood irrigation) is available and should be employed in every residential landscape. Information on system layout and installation are available through the County Agent, NMSU Agricultural Extension Service and many commercial vendors. Drought resistant plants should be selected and the reduction of high water use landscaping such as large grass areas should be limited. Soil amendments and mulching further reduce the requirement for water and should be incorporated.

Storm water management should be integrated with water harvesting techniques to achieve through active or passive measures directing surface flow to landscaped areas and or cisterns. Catch basins and swales, paths and walkways should direct water where needed and to slow the velocity to maximize the use for irrigation.

Rainwater collection systems can provide potable and non-potable water. A 1000 square foot area can collect 600 gallons of water from a one-inch rain event. With our annual rainfall of eight and one half inches, this would yield over 5000 gallons for on-site use. Roof top collection, gutters and downspouts, cisterns or storage tanks are the common tools for collecting and conveying this resource to a beneficial use while reducing the reliance on fresh water irrigation.

Grey water systems consist of used water that is not contaminated by toilet waste. It can be collected from showers, bathroom sinks, washing machines but not from dishwashers, kitchen sinks or laundry from soiled diapers or contaminated laundry. A recent revision to the New Mexico plumbing code further describes the requirements although it is difficult to incorporate into existing homes without re-piping. Grey water systems contain separate drain line plumbing, surge tanks and a delivery system for reuse. Grey water for landscape uses should not be sprayed, allowed to puddle, or run off property. The distribution should be rotated with fresh water to leach out any harmful buildup of detergents, etc. New Mexico environment Department (NMED) encourages the recycling of wastewater that hasn't come in contact with food or human waste. Some level of treatment may be required before waste can be recycled/reused. Contact NMED (800.219.6157) for wastewater recycling assistance such as answering questions, reviewing designs and obtaining a NMED permit that may be required for modifying plumbing or disconnecting plumbing from the wastewater system.

Water efficient fixtures are required by most building codes but they do not impose restrictions on existing buildings. Most of the incentives for this upgrade are offered by public water systems that are not available for the majority of Corrales residents. A large reduction of water use can be achieved with the replacement of pre-1995 toilets to the newer one-gallon per flush, showerheads and faucets to 2.5 gal per minute. Dual flush toilets can save 2000 gal per person in one year. Waterless urinals (commercial uses) can be utilized for water savings. Newer dishwashers and clothes washers are more waterwise, saving as much as 80% over older models. All commercial uses in the Village should implement water efficient fixtures and certainly any users connecting to the wastewater line now under construction should be required to install these fixtures. These users are removing water from our aquifer and exporting the waste to the ABCWUA treatment plant depriving the recharge through the traditional septic/drain field systems currently employed.

F. Legal Monitoring

Overview:

Changes to existing state laws or regulations may disproportionately impact Corrales and other communities dependent on domestic water wells and water for agricultural uses. Corrales should develop systems to monitor proposed changes, to inform the Village Council and Village administrators, and to mobilize similarly situated communities.

Corrales is unique among its urban neighbors in that it is an incorporated municipality largely dependent on individual water wells for domestic consumption. Changes in state laws or regulations that impact Corrales may not receive the same attention by lawmakers or the media, whereas any proposed change to water laws affecting Albuquerque or a large number of farmers or ranchers would unquestionably garner far greater attention. Consider that the number of acre-feet of water that may be used by a domestic well has fallen from three acre-feet of water per year to only one acre-foot of water per year, with little or no attention by the media, and without organized action or response by the Village. In contrast, recent proposed rate hikes by the Albuquerque-Bernalillo County Water Utility Authority received extensive coverage in online, print and television media, allowing for greater input and understanding of proposed changes. Similarly, the *Bounds* case passed through three levels of judicial review without input by the Village.

Recommendations:

Regulatory Changes

The State Engineer and other regulatory bodies have a great deal of control over our water resources, and the Village should be more active in monitoring changes or even proposing changes to existing regulations. A program to monitor potential regulatory changes by the State Engineer, the MRGCD, NMED, and other regulatory agencies is relatively easy to implement. Proposed changes are required to be posted prior to enactment for a period of 30 days for public comment. The Village may, by written request that must be renewed annually, request that any regulatory body provide notice of proposed changes to any rule.¹⁰ At a minimum, the Village should file such a request with: (i) the State Engineer concerning any proposed changes to regulations under the domestic well statute and any other regulation that would impact availability of water for water use, and (ii) NMED concerning any changes to water quality standards. A summary of all such changes should be timely provided to the Council by the Village Attorney in order to determine if the Village should provide comments to any proposed changes or to undertake a public education campaign in the Village or in conjunction with similarly affected communities.

Legislative Monitoring

Monitoring changes made by the legislature is more difficult due to the larger number of amendments offered during a legislative session and by interim committees, and because such changes may often be made with little time to properly analyze or respond to amendments. Hiring a lobbyist or attorney to monitor these changes may be prohibitively expensive for a municipality of Corrales' size.

There are two recommendations on how to address these concerns. The first is an internal response: if the Village lacks the resources to appoint staff to monitor and advise the Village on water issues, the Village should create a standing water committee that

¹⁰ NMSA 1978, § 12-8-4(A)(2).

monitors proposed changes to water laws.¹¹ This committee should meet periodically, but most importantly should meet prior to each legislative session or before pertinent interim legislative committees. The committee should plan on meeting with each legislator that represents any portion of the Village to ensure that our legislators are aware of any special water issues that may arise, as well as providing a point of contact for our legislators during the legislative session. The committee should also review any proposed legislation, provide recommendations to the Council and legislators, and if necessary and feasible, to monitor important legislation throughout the course of the session. Following the session, the committee should report to the Village on any changes to water laws or related issues that may affect the community.

The second recommendation is an external response. Corrales is one of the largest communities in the state without municipal water or septic systems, but it is certainly not the only such community. Corrales needs to exercise leadership throughout the state on domestic water well issues and for agricultural interests still operating within municipal limits. The Village should seek to establish an ongoing dialogue with similar communities, either through the creation of an association or an existing organization such as the MRCOG Water Resources Board or the New Mexico Municipal League. The New Mexico Ground Water Association is a very organized group that represents the interests of private parties such as drillers, but would be an excellent partner on issues of mutual concern. However, rather than to simply replicate existing resources, the Village should also seek to engage with the New Mexico Municipal League and other organizations that closely monitor legislative activities to ensure that the concerns of communities like Corrales are considered. A collective approach would have a better ability to monitor water issues and to bring our unique concerns before legislators, the State Engineer, and to the general public. Furthermore, by establishing such relationships prior to any crisis situation, these communities will be better able to formulate collective responses as necessary.

G. Partnerships

Overview:

As previously noted, one of the main issues concerns a lack of legal control by the Village over its water, and a scarcity of resources to address concerns. The Village needs to develop specific initiatives with the support of businesses and state resources such as the Environment Department.

¹¹ The standing water committee would differ from this current Board. This Board is tasked with providing a general statement of principles to the Village Council, but its format is not conducive to rapid evaluation of proposed changes. A standing water committee would be empowered to evaluate proposed changes and to communicate concerns or ideas with Village Council or staff.

Recommendations:

The Village should seek to establish strategic partnerships with businesses, community groups, and state and regional-level organizations to fill shortcomings in resources to adequately address a water monitoring and management.

Many of the recommendations made as part of this Report will require monetary resources or technical expertise, or often both. The Village may not always possess the resources necessary to effectively implement these recommendations. The Village must look to establish partnerships with citizens, businesses, or other government entities that can provide a wide range of assistance. Resources available to Corrales include:

Intel. Thomas Little, the Environmental Sustainability Manager at Intel's Rio Rancho plant, requested to meet with the Board to address Intel's relationship with our water and how Intel can assist the Village. Mr. Little indicated that Intel would be open to partnering with the Village to help fill gaps in resources and technical expertise. Specifically, Mr. Little indicated that the Village should seek to compile additional data on well use and changes in the aquifer in order to develop a comprehensive hydrological model. To this end, he indicated that Intel would be willing to provide volunteer hours, hardware, engineering support, and modeling expertise. Such support may be invaluable in developing a model to determine when or if the Village should look at water or wastewater systems.

In addition to this proffered help, the Village should seek to partner with Intel in other ways.¹² The Village should request that Intel make available its monitoring wells for testing by the Village; the sooner the monitoring wells are made available, the sooner baseline and long-term trend measurements of deep aquifer levels can be established. Second, the Village should seek financial assistance in printing pamphlets and educational materials, as well as assistance in establishing water curriculum for Corrales schools.

NM Environment Department. In the past, the Village has had limited participation in its attempts to monitor water quality. Rather than organizing specific water events, the Village should seek to involve NMED-available resources in pre-existing Village events such as the Growers' Market, Art in the Park, and other periodic events. Rather than staging a one-time event, Corraleños will then become better aware and have increased opportunities to establish periodic water testing. In addition, these venues would provide an opportunity to disseminate educational materials by the Village and NMED.

Roadrunner Waste Services. Roadrunner has previously generously allowed the Village and other groups the opportunity to include information or pamphlets in its invoice mailings. These could be utilized to inform residents of the opportunity to have water

¹² To be clear, these are not examples of assistance specifically offered by Intel, but are ideas that the Village should request assistance on from Intel or other groups.

tested, or to include educational pamphlets regarding water rights, concerns, and other important information.

Realtors.¹³ Corraleños that have lived in the Village or the high desert for years or even generations are very familiar with our water issues. However, there has been an undeniable influx of residents from “wetter” areas that may not be as familiar with our special conditions, or of the particulars of having a domestic well and septic tank. The Village should develop a pamphlet, specific for new residents, which provides an overview of water in the Village and recommendations on how to maintain a water well and a septic tank. By partnering with local realtors, these pamphlets could be provided to their clients at closing.

VI. Summary

Change has come rapidly to Corrales since its incorporation in 1971, but it still retains a distinct rural flavor amidst the greater Albuquerque-Rio Rancho metropolitan area. While our agricultural interests are administered by the Office of the State Engineer and the Middle Rio Grande Conservancy District, Corrales has chosen to keep a great deal of control of our domestic water resources in the hands of Corraleños by mostly continuing a system of domestic water wells and septic systems.

Maintaining the viability and sustainability of our water resources for the future depends on a greater level of education among Corraleños and the aggregation of more information by the Village. Currently not enough residents understand their right, responsibilities, and limitations inherent in our system. The Village needs to provide materials and opportunities to educate residents and to keep them abreast of changes in the legal structure, hydrology, and water quality.

The Village must also become more proactive in monitoring and protecting our water resources, which will require more information. Until the Village has a greater understanding of how water is used in the Village, and its impact on our aquifer, it will not be able to determine when and how to advocate on the state and regional level. The lack of information does not allow for adequate long-term planning, which could lead to rash decision-making rather than developing a framework to help preserve our water.

Instituting the observations and recommendations proposed in this report can go a long way in sustaining the rural lifestyle and flavor savored and passionately defended by our residents and enjoyed and envied by visitors well into the future.

¹³ See section on “**Data, Education, and Public Information.**” In addition, the Village should work with local realtors to ensure their clients are aware of the need to amend ownership records with State Engineer and to require such paperwork also be filed with the Village.

VII. Acknowledgements

The Board was fortunate to benefit from the input from a diverse group of talented individuals. In particular, the Board wishes to thank Guy Bralley, Sandoval County Water Resources Administrator, for giving very generously of his time and knowledge to the Board. The 2004 Forty Year Plan was a tremendous resource, and the Board appreciates Glenn Young's meeting with the Board to discuss the Plan and subsequent changes. Steven Snyder and Tessa Davidson both helped guide the Board through complicated legal issues. Elaine Hebard introduced the Board to the regional context of Corrales' water issues. Jerry May and Scott McKittrick of Souder, Miller Associates discussed Village hydrology and other issues stemming from the planning and construction of the wastewater line. Thomas Little, Environmental Sustainability Manager, Intel, provided the Board with information concerning local hydrology and ways in which Intel is willing to partner with the Village. The Board appreciates the efforts of Jeff Radford and the Corrales Comment to help publicize the Board's public forum and a commitment to educating Village residents. Roberta King was a very diligent and inquisitive attendant of Board meetings. Finally, the staff of the Corrales Public Library were gracious in allowing the Board to hold many of its meetings there.

VIII. Exhibits

Exhibit A
Village of Corrales Resolution No. 10-063

Exhibit B
Village of Corrales Forty Year Water Plan

Jim Fahey
Mayor Pro-Tem

Pat Clauser
Councilor

George Wright
Councilor



Kevin Lucero
Councilor

Mel Knight
Councilor

David Dornburg
Councilor

1

JoAnne Roake
Mayor

AGENDA

Village of Corrales
Governing Body Regular Meeting
January 14th, 2020 6:30pm

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. GOVERNING BODY PRESENT

Mayor Jo Anne D. Roake (Not voting), Mayor Pro Tem Jim Fahey, Councilor Kevin Lucero, Councilor George Wright, Councilor Mel Knight, Councilor David Dornburg, Councilor Pat Clauser.

C. APPROVAL OF AGENDA

Motion: to approve the agenda, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Mel Knight.

Vote: Motion carried by unanimous vote (summary: Yes = 6).

Yes: Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat Clauser, Councilor David Dornburg, Mayor Pro Tem Jim Fahey.

D. SWEARING IN OF: INTRODUCTION OF:

Officer Phillip Trujillo

E. REPORTS:

Administrator Report

Administrator Curry: I have five items I want to discuss for my report. Firstly, as you know legislature will be in session on January 21st and I'll be spending some time up there. The Mayor and I have met with all our legislators this past month. A lot of what we do while we are up there is just to be seen and to answer questions when they come up. It is a short session, only thirty days and there is a lot of money to fight over. If any of you have questions over the course of the legislative session please call me and I will get an answer for you.

Second thing I want to talk about is the slopes issue that has been discussed in the Planning and Zoning Commission. At this point, nothing will be changing. Nothing will be moving over from Planning and Zoning over to the Village Council to decide.

On Serrano Road and other private roads as we have mentioned before, one of the things we have

37 discussed is services that the Village can provide to these private road situations. We are looking at \$200
38 per hour for someone to hire our public works department to come out and grade their road. We expect
39 to have something on the website by the end of the month. As we move into the program we will give
40 you updates on what we are doing. We think this is a solution because the Village simply cannot
41 continue to provide maintenance for private roads. It is against the state law.

42 The other thing I wanted to mention was that you might have read in the Comment that we have \$4.7
43 Million in an investment account in Santa Fe. We are endeavoring to find out where that money came
44 from and we want to make sure we are doing our due diligence to make sure we understand where that
45 money came from and what if any strings are attached to it before we do anything with it. I will keep the
46 council updated on this as we discover more. What made this jump out to us is that when you look at
47 that amount of money, it is equivalent to our budget for one year. It is a good problem to have, but it
48 definitely requires us doing due diligence. We don't want to get into a situation where owe that money if
49 we spend it in the wrong way.

50 For my last item I will hand it over to Jill Sweeney.

51 **Jill Sweeney:** I am here to talk with you about Gross Receipts Tax financing issues. I have with me John
52 Archuleta again. As you may recall on March 6th 2018, the voters of the Village approved a 1/8th of 1%
53 GRT. It was a municipal infrastructure GRT and authorized the Village to pledge that GRT to support an
54 up to \$1 Million in revenue bonds. The purpose of those bonds is to be able to support primarily road
55 infrastructure. It is my understanding that at the time the question went to the voters, it was to be used as
56 matching funds for various projects. So now we are at a point where we can go ahead and start that
57 process. With John's advice we have determined that the most economical way to proceed would be to
58 enter into a loan agreement with the New Mexico Finance Authority. That is a process the Village has
59 done before and it streamlines the financing process by allowing you to go directly to the Finance
60 Authority and be part of their pool rather than going into the market and possibly incurring additional
61 costs of issuance. We are here to answer any questions you may have as well as lay out some possible
62 scenarios for you. If you do decide to go forward on this, we will work with your Village staff to fill out
63 an application to the Finance Authority and it will come back before you to be approved at your meeting
64 on January 28th. Then the Finance Authority works on the details and gets things approved on their end.
65 Then we come back to you in March for approval of the interest rate and then following that we should
66 be looking at closing around mid-April. You are already collecting the GRT and it is waiting to be used
67 as directed by the voters. Ill turn it over to John for more details.

68 **John Archuleta:** We ran a couple of scenarios for you. We think that 1/8th of 1% would generate
69 around \$100,000 a year. So the way we structured this particular financing is that we would use that
70 1/8th money to pay off the debt service, therefore it would not have an impact on any of your other
71 funds. So the 1/8th would be sufficient to pay off the \$1 Million. We have a couple options to look at.
72 We have an 11 year payoff schedule or a 15 year payoff schedule. One of the things that Jill did not
73 mention but is important to note is that 85% of the funds need to be spent over a three year period. So as
74 long as you have projects we shouldn't have a problem financing this GRT bond. Any questions?

75 **Councilor Wright:** We would be having \$1 Million basically on a loan? I didn't quite understand your
76 last statement. Would the whole \$1 Million have to be spent in the first three years?

77 **John Archuleta:** At least 85%

78 **Councilor Wright:** Is there a way to set it up with a draw basis so that you could draw some and have
79 three years to spend that, then draw some more and spend that within three years, or can you not do that?

80 **John Archuleta:** The way the NM Finance Authority works, they will allow you to do the financing
81 then you to submit your expenses or whatever invoices you have. So really you will be withdrawing

82 money from that particular fund. On this particular transaction we are probably going to be looking at an
83 interest rate of just under 2% overall.

84 **Councilor Wright:** I was just trying to spend \$1 Million in three years, but you would have to find
85 projects to match it right?

86 **John Archuleta:** Another thing you could do or consider is just issue \$500,000 or \$700,000 and then go
87 ahead and do another financing in two or three years.

88 **Councilor Wright:** Right, that's kind of where I was going. Thank you

89 **John Archuleta:** It really depends on what projects you have and the timing of when you can complete
90 them.

91 **Councilor Wright:** I think we can find things to spend on, but I am a little bit nervous about finding the
92 agency that's going to match the funds and have them come along in the time period that we need. That
93 was my concern.

94 **Mayor Roake:** Any other questions?

95 **Councilor Fahey:** So when you close with the Finance Authority, is that when the clock starts?

96 **John Archuleta:** Yes that is correct. The IRS requires that you commit at least 15% within the first six
97 months. Then after that, hopefully you spend 100% within three years, or at the minimum 85%.

98 **Councilor Knight:** So with all the \$1 Million it has to have a matching fund right?

99 **John Archuleta:** No, this is the \$1 Million that the Village will have to use towards matching funds in
100 order to leverage money on DOT or grants.

101 **Jill Sweeney:** The question is actually very broad, so the question allows bond proceeds to acquire,
102 design, construct, reconstruct, rehabilitate and landscape municipal roads, trails, bikeways, walkways,
103 bridges and associated drainage structures throughout the Village. Understand that when you went
104 through the process to go to the voters for \$1 Million that at the time, the idea was to use these as
105 matching funds. That was the intent. The question is broad, so in a situation where you did not have
106 enough match opportunities, there is some flexibility on expenditures.

107 **Administrator Curry:** Did anyone else have any questions about the other items in my report?

108 **Councilor Knight:** I just wanted to say that I am glad that the Village did due diligence needed to look
109 at the slope difference. At first when it was brought up the Council it sounded like a great idea. The
110 further we got into discussions and having people present to us, we could tell that it needed to be
111 revisited again and I am glad it is going to stay at 15%.

112 **Councilor Wright:** \$4.7 Million and you have no idea where it came from? We don't think it is a
113 FEMA grant? We don't think we are going to have any problems with it?

114 **Reyna Aragon:** We do not yet know where it came from. In 2016 we see from Wells Fargo general
115 cash for \$4 Million going into an investment account. That's all we know about it so far.

116 **Mayor Roake:** Didn't we also see something in 2014, 2015 as well?

117 **Reyna Aragon:** There was a big gap of about \$2 Million increase in all the money combined.

118 **Councilor Fahey:** So the most I ever remember in that investment account, with former mayor gasteyer,
119 is \$1.8 Million or something like that.

120 **Mayor Roake:** We aren't going to spend any of it until we have a better idea, and just note that we have
121 a healthy investment account at this point. I think healthy skepticism is good at this point. It is just very
122 unexpected.

123 **Councilor Fahey:** Is there any way its bond money?

124 **Reyna Aragon:** We don't know yet, in 2016 there was roughly \$772,000 in there until they moved the
125 \$4 Million in there.

126 **Mayor Roake:** As Ron said, we will keep you updated once we know more. And as it sometimes
127 happens, if somebody talks to somebody and they say I know what that it, please share that with us.

128 **Councilor Wright:** The problem could have been the other way and that would have been worse. I also
129 had a comment on the lobbying. A couple of attorneys ago and I don't know if it stayed in the Village
130 Attorney's statement of work, it was a part of the contract that they could do some lobbying in Santa Fe.
131 The other thing that I wanted to say in terms of the impact the legislative session could have on the
132 Village is that I understand that they are going to take another swing at the recreation marijuana
133 legislation. If they pass that legislation, we and the municipal league have lobbied in the past to have a
134 municipal option because we already have laws that address medicinal marijuana. I would not want to
135 remove the laws we already have in place with the state law. I don't know what the municipal league's
136 stance is now, but back then they lobbied strongly for a municipal carve out, saying the municipalities
137 have a right to do their own laws according to their own zones and coding. I know that is something that
138 I and Councilor Clauser are particularly interested in because we spend two and a half years trying to get
139 what we thought was right through the Council. I wouldn't want the state law to come in and preempt all
140 the work we did. If they are going to be of the mindset to pass it I hope they put something in to protect
141 the municipalities. Other municipalities have taken it to district court and got a ruling that the
142 municipalities have control over that destiny within their borders. You probably want to coordinate with
143 the municipal league to see what their position is.

144 **Councilor Knight:** The list that you gave the legislators was the ICIP list right?

145 **Administrator Curry:** Yes, it was modified slightly.

146
147 **F. PRESENTATIONS**

148 Bond Council

149
150 **G. COUNCILORS FORUM:** *This section is for information purposes only, not for discussion and*
151 *debate, to inform the Governing Body of an issue/concern that would not be addressed on the agenda*
152 *during the business session.*
153

154 **Councilor Clauser:** I just wanted to say how I am looking forward to getting the final report from our
155 water advisory commission. They are such a distinguished group of people, I think we are all fascinated
156 to hear their report.

157
158 **Councilor Dornburg:** I wanted to comment that I was a little surprised to see in the paper and on the
159 news something about Corrales Road. I know the discussion has come up many many times about the
160 problems of narrow right of ways and twisty turns. Even just the infrastructure needed to maintain the
161 road is an interesting problem. I was just surprised to hear about it when it hasn't seemed to be much of
162 a topic for the Council.
163

164 **Administrator Curry:** It came up as a result of a number of things including our relationship with DOT
165 and the things we are considering with Main Street. My thought on it was that it is something we should
166 start looking at. What I am considering is putting together a group of folks to really look at the issue.
167 But we are looking at it and we want to get the input of the Village Council and the citizens of Corrales.
168 We are definitely in the preliminary stages and if everything goes right, I would like to gather folks in
169 the next 30 days and start looking at this. That way we can have something in front of the council in
170 three to six months.

171
172 **Councilor Dornburg:** I was just caught of guard because there have been informal and formal
173 discussions with the previous administration about the cost associated or even some problems around
174 building a walkway. I recall a presentation about a year and half maybe two years ago with some issues
175 regarding places where we have encroached upon the DOT right of way. Some of the grandfathered
176 right of ways even became issues with the waste water system. Nothing is impossible but this always
177 seemed different because of maintenance costs or non-standard right of ways. I just thought it was
178 interesting, that's all.

179
180 **Mayor Roake:** I don't mean to demean that in any way but we also got in the news because of our
181 chicken rescue efforts. So we made big leaps in terms of the media when they came out to talk to our
182 animal services about the great work they are doing. Just to be clear Councilor Dornburg, no one is
183 going to be running down this road either figuratively or literally without giving it a lot of thought. We
184 have been seeing a lot of increased traffic and our frail road is really not set up for that. We would have
185 to have an ironclad contract with DOT.

186
187 **H. CORRALEÑOS FORUM:** *This section is for information purposes only, not for discussion and*
188 *debate, to inform the governing body of an issue or concern that would not be addressed on the agenda*
189 *during the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.*
190

191 **Bon Bagley:** I just want to say that it really does the Village proud to see the service and the hours that
192 you people dedicate to public service. I just wanted to say thank you all. Given that, I had one question, I
193 am on the equestrian board and I would like to ask now that Meadowlark is open are we planning horse
194 trail signs? We have huge collection of signs, but we need to let all the commuting traffic know that
195 horses are going to be using that. Also, I know there is a lot of talk about crossing and roads and I just
196 want you to include the horse community in that because we have huge safety issues around horses. In
197 terms of the agricultural commission, we have three new stables going up and it seems that the horse
198 industry is picking up again. If I could get a horseman on the agricultural committee I would be grateful.
199

200 **I. CONSENT AGENDA:** *All matters listed under the Consent Agenda are considered to be routine by*
201 *the Village Council and will be enacted by one motion. There will not be separate discussion of these*
202 *items. If discussion is desired, that item will be removed from the Consent Agenda and will be*
203 *considered separately.*

- 204 1. Approval of minutes for December 10th, 2019

205
206
207 **Motion:** to approve the consent agenda, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded**
208 **by** Councilor Pat Clauser.

209 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

210 **Yes:** Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat Clauser,
211 Councilor David Dornburg, Mayor Pro Tem Jim Fahey

212
213
214
215 **J. ITEMS REMOVED FROM CONSENT AGENDA:**
216

217 **K. OLD BUSINESS:**
218

219 **L. NEW BUSINESS:**
220

- 221 1. Consideration, Action and Approval of Resolution 20-001, a resolution establishing an Agriculture
222 Committee.

223
224 **Motion:** to approve resolution 20-001 with recommended amendment, **Action:** Approve, **Moved**
225 **by** Councilor Mel Knight, **Seconded by** Councilor Jim Fahey.
226

227 **Councilor Fahey:** How many members are going to be on this committee?
228

229 **Mayor Roake:** I have a list of about seven people that I have reached out to, and so far everyone
230 seems to be willing to serve. They are all people involved with agriculture as part of their economic
231 wellbeing and they come from different sectors. I am hoping that this will be a way for the Village
232 to look at agriculture as part of the economic sector and to help agriculture grow.
233

234 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

235 **Yes:** Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat
236 Clauser, Councilor David Dornburg, Mayor Pro Tem Jim Fahey
237

- 238
239 2. Consideration, Action and Approval of Resolution 20-002, a resolution authorizing budget increase
240 for fiscal year 2019-2020.
241

242 **Motion:** to approve resolution 20-002, **Action:** Approve, **Moved by** Councilor Jim Fahey,
243 **Seconded by** Councilor Mel Knight.
244

245 **Councilor Wright:** Background?
246

247 **Chief Martinez:** The budget increase pertains to a grant that we applied for under the Fire
248 Protection Fund. This is extend the fire suppression line down Loma Larga.
249

250 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

251 **Yes:** Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat
252 Clauser, Councilor David Dornburg, Mayor Pro Tem Jim Fahey
253

- 254 3. Consideration, Action and Approval of Resolution 20-003, a resolution adopting amended permit
255 fees to now included processing applications of Short Term Rentals.
256

257 **Motion:** to approve resolution 20-003, **Action:** Approve, **Moved by** Councilor Jim Fahey,
258 **Seconded by** Councilor Mel Knight.
259

260 **Councilor Wright:** So the only thing that changes is the short term rental fee?

261
262 **Mayor Roake:** Yes that is correct.

263
264 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

265 **Yes:** Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat
266 Clauser, Councilor David Dornburg, Mayor Pro Tem Jim Fahey

267
268 **M. ANNOUNCEMENTS/FUTURE AGENDA ITEMS:**

269 Department Reports
270 Water Commission Report
271 Proclamation – Kathy Lang
272 Bond Council for Financing
273 Introduction of Candidates
274

275
276
277 **N. ADJOURNMENT**

278
279 A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 4324 CORRALES ROAD,
280 DURING REGULAR BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M. OR
281 ON THE WEBSITE: www.Corrales-NM.org click on Government & Council Meetings.

282
283 If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary
284 aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at the Village Offices located at
285 4324 Corrales Road, at least five (5) days prior to the meeting or as soon as possible.

286 Public documents, including the agenda and minutes, can be provided in various accessible formats.

287 Please contact the Village Clerk at 897-0502, or by e-mail at sfresquez@corrales-nm.org if a summary or other type of accessible format is needed.

288 **NEXT REGULAR COUNCIL MEETING: January 28th, 2020 at 6:30pm**

289 I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act,
290 Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 19-041.

291 Approved this 11th Day of February, 2020

292
293 _____
294 Shannon Fresquez, Village Clerk

Jim Fahey
Mayor Pro-Tem

Pat Clauser
Councilor

George Wright
Councilor



Kevin Lucero
Councilor

Mel Knight
Councilor

David Dornburg
Councilor

1

JoAnne Roake
Mayor

AGENDA

Village of Corrales
Governing Body Regular Meeting
January 28th, 2020 6:30pm

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. GOVERNING BODY PRESENT

Present: Mayor Jo Anne D. Roake (Not voting), Mayor Pro Tem Jim Fahey, Councilor Kevin Lucero, Councilor George Wright, Councilor Mel Knight, Councilor David Dornburg, Councilor Pat Clauser

C. APPROVAL OF AGENDA

Mayor Roake: I would entertain a motion to amend the agenda to allow our commissioner Jay Block to give a presentation after item D, the proclamation.

Motion: to approve the agenda with amendment, **Action:** Approve, **Moved by** Councilor Mel Knight, **Seconded by** Councilor Pat Clauser.

Vote: Motion carried by unanimous vote (summary: Yes = 6).

Yes: Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor Mel Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.

D. PROCLAMATION

Kathy Lang Day

PRESENTATIONS – Commissioner Jay Block

Jay Block: It has been a few months since I last came a presented to you. I want to talk about economic development issues, some community involvement, some county issues and then ask you what I can do to help as your county commissioner. Lot of economic issues happening in our district. We have a new bistro that opened up called the Lilly and Liam right here behind New Mexico Coffee on 528. Two people who live in Rio Rancho and its great food. New Mexico Eye Associates opened up and have over 175 patients a day. New Mexico Runners, a professional indoor soccer team are a big economic driver

37 in Rio Rancho. They rent out the Santa Ana Star Center, and since they have begun, we have seen more
38 vendors getting into the Santa Ana Star Center. Roughly over half the team is locals.

39 I want to invite you to the Rio Rancho regional chamber event; they talk a lot about economic
40 development and the community. I know that Rio Rancho and Corrales are two different, village and a
41 city, but they are the same. They feed off each other. We have a new SEA president, Fred Shepard, who
42 comes with a lot of experience with economic development. He is going to be giving a presentation to
43 the commission, I frankly have some concerns with the Sandoval County Economic Alliance. I want to
44 hear where Fred is going to take this because this is really a joint venture between Rio Rancho and
45 Sandoval County. What we are trying to do is capture businesses to want to come to Sandoval County
46 and I just think we could do better.

47 Roads, I promised to get roads done in our district. Sara is done, Meadowlark is done and Southern is
48 done. Southern was a huge project, \$14 Million, new bike paths, new infrastructure, new LED lights and
49 not one business closed. We are going to be taking Southern up to Unser next. Other roads in the
50 district, like 19th Ave, if you have ever used 19th to cut across between 528 to get to Golf Course, it is a
51 horrible road. I am working with the Rio Rancho Mayor to get that one done. Mayor, I will be getting
52 with you to talk about capital outlay money for potential some road work or repairs that I could do to
53 help out.

54 New Mexico Tax on Social Security benefits. We are one of only 13 states that do that. I was asked to
55 sponsor a resolution that would get sent up to Santa Fe for this session. I really am against taxing our
56 seniors who are collecting social security benefits. The average cost here in the state of New Mexico is
57 \$700 for seniors. I personally believe that they can spend that money better than I can in government.
58 The other issue is that I believe that when you tax social security benefits, you are really getting taxed
59 twice. You already got taxed on your income to get there, and then you are getting taxed again. I think
60 that is awful and if New Mexico wants to be attractive to retirees then we need to change that. I don't
61 know if that will get done this session, but I wanted you to know my position.

62 I was elected as Vice Chair unanimously for the second year.

63 Harvest Festival was another huge success.

64 Veteran's Day Ceremony was a great event. I really appreciate Madam Mayor and her husband Michael
65 for their leadership getting our memorial there at the library. We saw a lot of dignitaries and a lot of
66 great veterans there. I was able to chip in \$3000 out of my funds to be able to help that and it was an
67 honor to do so.

68 Two things I want to talk about, first being that there is a good chance we will be able to capture then
69 next national cemetery here in Sandoval County. There has been a lot of good messaging from DC that
70 we are going to capture it. Regarding legislation there are two things I have been pushing with Jane
71 Powdrell. One as a retired military guy is taxing veteran's retirement pensions. The other one is related
72 to veterans and property taxes. As you may know, if you are a 100% disabled veteran then you do not
73 pay property tax. However, there are a lot of veterans out there who have physical scars or mental scars
74 from their time in Iraq and Afghanistan like myself that have a disability rating that could be 70%, 80%
75 or 90% and those veterans have a hard time holding jobs and therefore they might have a hard time
76 making their mortgage payment or buying a house for their family. What I will propose to the
77 legislation that I copied from Texas is that it prorates your property tax based on your VA disability
78 rating to help out veterans and their families. It also talks about first responders, where if they die in the
79 line of duty, their spouse or partner's property tax is also waived. I don't think it will gain too much
80 traction in this legislative session.

81 I was invited to the New Mexico National Guard Military Ball. Major General Naga was also there, he
82 just got back from Poland. We have a lot of National Guard troops there.

83 I want to thank Julian Garza for Thanksgiving. He opened up one of his McDonalds and served meals.
84 Julian is a treasure to our community, and we are happy to have him.

85 Corrales Fire Department had a great ribbon cutting for their burner box just before this meeting.

86 Universal Waste Service is a small business here in Sandoval County doing trash pick-up. They have
87 been a fantastic partner. One of the things I ran on in 2016 was illegal dumping and Universal Waste has

88 picked up over 300,000 pounds around the county from illegal dumping.

89 We are going to getting a \$5000 donation to give to 4-H here in Sandoval County.

90 Christmas parade, you can see that I was with three of your distinguished councilors. The food and toy
91 drive was great and helped out many families in need again.

92 Lifers is located in Cabezon, they are company that started in 2002. I have been working with them
93 because they hire and contract a lot of disabled young men and women to go into federal buildings and
94 clean. These men and women have a lot of value and do a phenomenal job.

95 Getting back to 4-H for a minute. Corrales is once again leading the way. I was able to speak at their
96 annual banquet at Bernalillo Highschool and honor some of their winners. One of them, Annick
97 Ambrose, was the Grand Champion of the Fashion Revue of the Western National Roundup.

98 One of the things that I have become acquainted with is ARCA and these guys do a phenomenal job
99 with traumatic brain injury in the military, but even ones we see every day such as different types of
100 accidents. They had a year end celebration and it was a wonderful night to acknowledge what they do.
101 Some county issues. I will be stepping down from the New Mexico Association of Counties. Basically, I
102 was part of a board of five commissioners where we sat down and listened about different litigation
103 going on around the state and would decide whether to settle or to fight or whatever. Two years on that
104 board is pretty much enough for me.

105 Some news about district two. Rio Rancho was voted the #1 place to live and Corrales was voted #1
106 safest place to live. No other county commission in the state can say that, so I have to brag about guys
107 like your Chief and your Mayor who support our first responders.

108 I am working on our 2020 capital outlay priorities for the county and I will be working with you again
109 to figure out what else we can bring to Corrales. As you know, we are funding the Corrales Arts Center
110 and the pathway.

111 The listening tour before the session had a lot of representatives going on tour before the session. The
112 county briefed what we wanted for our ICIP. The main priority of the county is PDV, we really want to
113 complete that road. It is an artery between I-40 and 550. It will help reduce traffic and has huge
114 economic impact with the industrial and commercial zoning it provides. We really want to keep jobs on
115 the west side. In Sandoval County we lose about 45,000 people every day across the river. Why can't
116 those people stay over here and spend their tax dollars over here and help grow the tax base?

117 I sponsored a 2019 Teacher of the Year who lives in our district, Jessica Sanders. She was invited to the
118 white house and we wanted to acknowledge her at the county as well.

119 On the environmental side, I am a republican and Martin Heinrich is a democrat so you would think that
120 we wouldn't have much in common, but we actually do. I was approached by his office to lead at
121 looking at turning Bandolier National Monument into Bandolier National Park. I sponsored that
122 resolution and it passed unanimously. There are a lot of good things that we can do in terms of
123 economic development with a national park.

124 We have some serious landfill issues coming up in the county. I am working on a cost analysis to see
125 what would happen if we privatized the landfill. If we can have private industry do it better and comply
126 with current regulations, then I think we really need to look into that. There are other private landfills in
127 New Mexico that we are looking at. We just want to make sure that we can do it cheaper for the
128 taxpayer and that we can do it better from an environmental point of view.

129 You might have read in the paper that we are having an issue with county pay. It is a pretty hot economy
130 and rates of pay and salaries are going up. We have gone through union negotiations with firefighters
131 and detention officers, but we have reached an impasse with the sheriff's deputies. We looked at a 3%
132 raise for county employees. The last salary study was done in 2011 which is far too long. We are going
133 to see that they be done every three years.

134 Detention center repairs, if you recall I had to vote for a GRT tax increase a couple years ago which has
135 accumulated around \$5.1 Million. Those repairs are going to be done in May of 2021. One of the
136 reasons we are having problems with our county budget is because of federal prisoners. We get a lot of
137 money from federal prisoners in the detention center. We get around \$91 a day in per diem for each
138 federal prisoner. So now that we can bring them back in, we will be getting some of that money back.

139 Joe Harris Elementary School did the placement of the final beam. So, we have another elementary
140 school opening up in Rio Rancho soon.

141 Cheap plug, I am a North Dakota State University graduate and I was in Frisco Texas when they won
142 their eighth title in nine years. A very special football team.

144 E. REPORTS:

145 1. Administrator Report

147 **Administrator Curry:** I am going to have Aaron Gjullin give a quick update on our Tyler
148 Technologies project.

149
150 **Aaron Gjullin:** We have been working with Tyler Technologies since late last year to implement
151 our new administrative software update. This was part of our 2018 ICIP monies that we are using to
152 update our technology infrastructure. This will be a complete overhaul of our finance software.
153 They are actually on-site with us this week, learning how we do things in order to make our
154 processes much more efficient so that we can better serve the public. We are going to begin our
155 training with the software here at the end of the month and will be looking at a late July go live date
156 where we are completely switched over. I can stand for any questions.

157
158 **Administrator Curry:** I wanted to give an update that the Mayor and I have been up at the
159 legislative session a few times. We have been lobbying for items on our ICIP list which we
160 presented to the council back in September. We feel like we are being well represented up there. If
161 you have any questions or comments you want us to take up there, we will be up there a few more
162 times, so please just sit down with us and we would be happy to talk with you.

163 I also wanted to give you an update on the money in the investment account. We have identified
164 when the money was put into that account. We feel very confident now based on communications
165 with the treasurer that the money is up there, and unencumbered. We still are doing due diligence to
166 identify the genesis of this money. As of right now that money is generating around \$6000 to \$7000
167 a month in that account.

168 Last thing I want to do is turn it over to Jill and John to continue to talk about the bonds.

169
170 **Jill Sweeney:** Ron has asked us to come tonight to refresh everyone's memory on your upcoming
171 GO Bond election. If you recall about a month ago, council discussed an election resolution that
172 contained two election questions. One was for \$1.5 Million for streets and the other for \$2.5
173 Million for Parks and Recreation. We left a hand out for you outlining this presentation and your
174 staff has put together a very nice looking, colorful question and answer brochure which is just
175 fabulous. Part of what we wanted to talk to you about is the reasons why we are looking to do these
176 bond programs for the Village. One reason is to lock in a future borrowing cycle that will keep the
177 bond rating for the Village at a high level and improve the interest rate at which the Village can
178 borrow. It also allows the village to meet challenges and opportunities on a continuous basis as
179 needs arise and to not have to wait for an election and fighting fires. The mayor and staff are very
180 concerned about proper stewardship of Village funds and being involved in discussions as well as
181 having the community involved in the discussion as well. This is part of that process. So how
182 would the street bond funds be spent? Staff has spent considerable time outlining the needs of the
183 Village. The idea is to keep the roads safe and to preserve their longevity. As far as the Parks and
184 Rec Bonds, those funds would be used for a multi-use, multi-generational community recreation
185 center. This includes a gym. I understand that there are limiting factors to your current facility that
186 prohibits certain activities. The Village has a need for new infrastructure to meet the needs of more
187 of the community members. Parks and Rec has done some surveys and the working group is very
188 cognizant of the communities needs and desires in that arena. Whenever we talk about bonds, we do
189 need to consider the tax implications, if you recall that property owners did have a slight deduction

190 of their property tax for the 2019 tax year because the \$2.5 Million in bonds for open space was not
191 sold. So rather than maintaining a constant debt service there was a dip. Should these bond questions
192 be rejected by the voters then the property tax rate would stay the same as this year. If the voters
193 approve both the bond questions then the tax rate would return to the 2018 tax rate, the idea then
194 would be to maintain that as a constant rate for the foreseeable future. In all of this the Village is
195 very cognizant of the planning of maintaining the charm of the Village and managing growth but
196 also wanting this to be safe, happy and healthy place to live and work. As far as election specifics,
197 early voting begins February 4th and will go through February 28th. There is also a Saturday early
198 voting scheduled for February 29th from 10am to 6pm. As far as Election Day, voting will be held
199 at the Recreation Center on March 3rd from 7am to 7pm. Those are statewide times designated by
200 the Secretary of State. We would also like to bring to your attention that the March 3rd ballot will
201 also contain council seats for districts 2, 5 and 6 all for four year terms. There is also municipal
202 judge up for election for four year terms as well. That's the overview we have prepared for you and
203 I can stand for any questions.

- 204
- 205 2. Department Reports
- 206 3. Boards/Commission Reports
- 207

208 **Mayor Roake:** Are there any questions or comments about the department reports or the
209 boards/commission reports?

210
211 **Councilor Clauser:** I just wanted to thank all the department heads for the incredible reports. The
212 library just overdid themselves with their report and they had such a good explanation for all the
213 different things that they did. I was just totally impressed with the amount and quality of our
214 reports.

215
216 **Councilor Knight:** I just wanted to ask the Fire Chief a few questions on clarifying a few things
217 for me. One of the things you said in your report was that you were working with Planning and
218 Zoning on addressing GIS. I didn't know what that was.

219
220 **Fire Chief:** GIS is a mapping software. As you know, some of our properties and some of our
221 roads are hard to find so we are constantly working with Planning and Zoning to work on mapping
222 our roadways and making sure that gets relayed to our 911 center. That way when someone does
223 call for help we know how to get there.

224
225 **Councilor Knight:** Thank you on that. The other question was about the budget increase you asked
226 for for fire protection and the extension of fire suppression on Loma Larga. I was wondering
227 how far that would go?

228
229 **Fire Chief:** I met with the contractor and our benchmark is hopefully to Sagebrush. We would like
230 to go further. So right now, where our pipe is left off is at the bridge that goes to the future visitor
231 center at Casa San Ysidro, that's where our pipe has stopped. Our goal is to get to Sagebrush or
232 further.

233
234 **Councilor Knight:** Another thing, when I was looking at the Bosque Advisory Commission, there
235 was a concept of having solar power in the bosque and running water in the bosque. I was
236 wondering about that. Are you considering having a well down there that would be accessible to the
237 fire department in case there is a fire down there?

238
239 **Fire Chief:** We are trying to do fuel management in the bosque. Over the years we have noticed a
240 lot of cottonwoods that are dying. They are either aging out, or the groundwater is going lower. We

241 are trying to come up with a concept of putting cottonwood pole plants to regrow in certain areas.
242 We don't have the personnel to go and water them weekly. We are working with a citizen of
243 Corrales to come up with a solar panel with a battery with an RV pump to do drip irrigation for
244 these pole plants. We haven't thought of anything yet, but of course I would bring it before the
245 council if we have something successful.

246
247 **Councilor Clauser:** I understand from last time that the ICIP list was adjusted and I would like a
248 copy of the latest list.

249
250 **Administrator Curry:** I can certainly get you that list. I will say that the ICIP list we provided to
251 the legislators has the same items we have already discussed. Just rearranged for various reasons.
252

253 **F. COUNCILORS FORUM:** *This section is for information purposes only, not for discussion and*
254 *debate, to inform the Governing Body of an issue/concern that would not be addressed on the agenda*
255 *during the business session.*
256

257 **Councilor Lucero:** I just wanted to tell the Mayor thank you for bringing our boards and committees up
258 to date with MRCOG. I think Corrales is well served on these committees. I think it is important to have
259 representation there and have a seat at that table. Thank you to the staff that has so graciously
260 volunteered to help us out in that aspect.
261

262 **Councilor Clauser:** I was just wanting to know when the Municipal League Day is? I haven't heard
263 anything about when it was.
264

265 **Mayor Roake:** Can we make sure that all the councilors get that information?
266

267 **Councilor Clauser:** Normally we have always had it.
268

269 **Clerk Fresquez:** I do know that we have not been receiving emails from the league. So I will get that
270 information out to you. The 6th is the reception.
271

272 **Councilor Clauser:** So, we need to tell you so that you can make our reservations?
273

274 **Clerk Fresquez:** Yes, that is correct.
275

276 **G. CORRALEÑOS FORUM:** *This section is for information purposes only, not for discussion and*
277 *debate, to inform the governing body of an issue or concern that would not be addressed on the agenda*
278 *during the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.*
279

280 **Bob Eichorst:** I have breakfast with some other old timers and we heard a rumor that the Village was
281 considering taking over the state road. Every administration I have served that has looked into taking
282 over the state road; it is not the panacea it seems to be, even if they agree to pave it. The road is illegal,
283 that is why they are trying to give it away. They have been trying to give it away since I was on council.
284 We had them pave it wider than the actual right of way to make it legal. State roads have to be a certain
285 width and we don't have the right of way in certain areas to accommodate that. It will be the biggest
286 boondoggle you will ever get into. I may not be around when you have to raise taxes in order to pave it
287 for the fourth or fifth time but my kids are here, and I don't want them to have to pay to be able to pave
288 the road. It is a state highway, keep it a state highway. It may look like you have a feather in your cap at
289 this time, but it is going to end up being a turkey on your back. We looked at it long and hard, and it just
290 isn't the way to go.

291 **Nigel Filcocks:** 42 Sereno Court, I do not live on Sereno Road, but that is the reason I am here.
292 Specifically, I wish to record a number of questions I have been unable to get answers to even though
293 they have been repeatedly asked since last October. Who purchased our vacant lot in September of
294 2000? We were told by the Village at that time that Sereno Road was a public road and there was even a
295 map posted showing public and private roads in the Village. Somewhere along the line, something
296 changed. Now as the Village was going to continue to maintain the road even though it would never be
297 paved we weren't too concerned. In 2008 the maintenance stopped as it seemed there was concern about
298 this. We the Sereno road property owner and other residents affected contacted the then Mayor, Phil
299 Gasteyer, and requested a meeting. We had compiled a considerable amount of evidence and
300 information to show that Sereno Road might very well be a public road. Mayor Gasteyer said he would
301 forward the information to the Village attorney asking their opinion. One of the most interesting things
302 here is that the mayor would not tell us what the letter he received from the attorney said quoting
303 privilege. He did send us a letter, a copy of which will be given to each of you tomorrow. So from 2008
304 until sometime last year, Sereno Road has been maintained. Somewhere along the line last year it
305 stopped. In an effort to learn why the Village has been maintain the road the last eleven years I
306 contacted the former Mayor Gasteyer to see if he could shed any light on the matter. The mayor said he
307 would look in his garage to see if he had not destroyed all the documents we had provided him showing
308 that Sereno Road might be a public roadway. He said he did not need to talk about what the attorney
309 told him, claiming attorney-client privilege. That brings us up to today. I have a list of questions that
310 again you will also receive tomorrow. Is it really acceptable for a former Village official to keep
311 documents and valuable materials that question the status of a roadway when he or she leaves office and
312 destroy them whenever it seems convenient? If this this material was provided and presented to the
313 Village attorney isn't the Village the client? How does the former Mayor claim attorney-client privilege
314 when I think we are the clients? Has anyone made any attempt to discover what the opinion of the
315 Village attorney was in 2008? It has been suggested that a plan be formulated where land owners along
316 private roads be given the opportunity to pay the Village to perform maintenance. I have searched the
317 Village website and have not found any information about this plan. What will the result be when there
318 is not a 100% agreement to this plan? I am fairly certain that there are residents along Sereno Road but
319 never drive on it to access their property. They would have no reason to pay for maintenance. At the
320 intersection of Sereno Road and Heather Lynn Court the Village has installed twin culvert pipes to
321 divert water under the roadway to mitigate erosion. There is also a concrete box installed which is
322 supposed to make cleaning out the pipes easier. One of the pipes is blocked off and the other is almost
323 full. What is going to happen when rainwater washes over Sereno Road and washes it and a fair section
324 of Heather Lynn again? Further up Sereno Road the roadway has washed away twice since we moved in
325 to the extent that it became impassible. Its only a matter of time before it happens again. My question is
326 when I, my family or an emergency response vehicle cannot get to my home, who bears the
327 responsibility for this situation? I do not have an alternative route that I can take to get to my home. I
328 have no choice but to take Sereno Road to get to Sereno Court. I personally take most of the
329 responsibility of maintenance off of Sereno Court. The final question that has been asked repeatedly is
330 the Village made any consideration for eminent domain considering that there is a roadway at the top of
331 Sereno Road that is only accessible by one route? Thank you.

332
333 **H. CONSENT AGENDA:** *All matters listed under the Consent Agenda are considered to be routine by*
334 *the Village Council and will be enacted by one motion. There will not be separate discussion of these*
335 *items. If discussion is desired, that item will be removed from the Consent Agenda and will be*
336 *considered separately.*

- 337
338 1. Approval of minutes for January 14th, 2020 Regular Council Meeting. **REMOVED**
339
340 2. Approval of Transfer of Corrales Police 2016 Chevrolet Traverse Crossover SUV to Corrales
341 Village Administration.

342
343 3. Memorandum of Agreement between the County of Sandoval and Village of Corrales. (Tourism)
344

345 **Motion:** to approve the consent agenda, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded**
346 **by** Councilor Mel Knight.
347

348 **Councilor Clauser:** I would like to remove item one.
349

350 **Motion:** to approve the consent agenda with item 1 removed, **Action:** Approve, **Moved by** Councilor
351 Jim Fahey, **Seconded by** Councilor Mel Knight.

352 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

353 **Yes:** Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor Mel
354 Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.
355

356
357 **I. ITEMS REMOVED FROM CONSENT AGENDA:**
358

359 1. Approval of minutes for January 14th, 2020 Regular Council Meeting
360

361 **Councilor Clauser:** I had an amendment that I called in earlier today, but I only have one copy sp I
362 do not know if the correction has been made.
363

364 **Clerk Fresquez:** We have relistened to the recording, what we listened to is what is stated in the
365 minutes. We will relisten to it again to make sure.
366

367 **Councilor Clauser:** Basically what I sent was, as the way it reads is that we had received our
368 report from the Water Advisory Committee. We have not, so I wanted to not say that we have
369 gotten one.
370

371 **Clerk Fresquez:** We listened to it and that is exactly what you said. So we will just have to clarify.
372

373 **Councilor Clauser:** Basically what I said that I was pleased we were going to get it. I just didn't
374 want it to appear that we already had it.
375

376 **Mayor Roake:** We will just have to wait until that change is made and then we can approve them
377 next month.
378

379 **J. OLD BUSINESS:**
380

381 **K. NEW BUSINESS:**
382

383 1. Consideration, Action and Approval of Resolution 20-004, a resolution authorizing and approving
384 submission of a completed application for financial assistance and project approval to the New
385 Mexico Finance Authority.
386

387 **Motion:** to approve resolution 20-004, **Action:** Approve, **Moved by** Councilor Mel Knight,
388 **Seconded by** Councilor Pat Clauser.
389

390 **Councilor Fahey:** So we haven't spent yet?
391

392 **Mayor Roake:** This will be a good time for our counsel to speak.

393 **Jill Sweeney:** We have been working with the New Mexico Finance Authority to complete the
394 application. The application process requires identification of projects. The Village has worked on
395 a list of projects including completion of Meadowlark Road and Loma Larga from Penny Lane to
396 Armillo Lane, and Salce Basin Mitigation work. Specifically the loan monies will be spent to
397 match state and FEMA funds. Approximately \$700,000 will be used to leverage \$3 Million.
398

399 **John Archuleta:** What we are looking at in terms of the financing is that we are going to be
400 pledging 1/8th of GRT which is going to generate around \$100,000 a year. We will be looking at a
401 \$78,000 principal and interest payment on a yearly basis for 15 years. It will give you flexibility
402 for future financing on other GRT programs.
403

404 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

405 **Yes:** Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor
406 Mel Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.
407

- 408
- 409 2. Discussion and consideration to publish and post Ordinance 20-001, An ordinance relating to the
410 New Mexico Uniform Traffic Ordinance adopted by reference by the Village of Corrales; Re-
411 adopting the uniform traffic ordinance with 2019 amendments and with exceptions to certain
412 provisions.
413

414 **Motion:** to approve the publish and post of ordinance 20-001, **Action:** Approve, **Moved by**
415 Councilor Jim Fahey, **Seconded by** Councilor Kevin Lucero.

416 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

417 **Yes:** Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor
418 Mel Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.
419

- 420
- 421 3. Discussion and consideration to publish and post Ordinance 20- 002, An ordinance establishing a
422 penalty assessment program under the New Mexico Uniform Traffic Ordinance; defining penalty
423 assessment misdemeanors; establishing listed schedule of penalty assessments; and repealing all
424 ordinances or parts of ordinances in conflict thereof.
425

426 **Motion:** to approve the publish and post of ordinance 20-002, **Action:** Approve, **Moved by**
427 Councilor Pat Clauser, **Seconded by** Councilor Kevin Lucero.

428 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

429 **Yes:** Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor
430 Mel Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.
431

432

433 **L. CONFIRMATION OF APPOINTMENTS:**
434

435 Bonnie Gonzales - Agriculture Committee

436 Sara Cobb - Agriculture Committee

437 Anthony Wagner - Agriculture Committee
438

439 **Motion:** to confirm the appointment to the agriculture committee, **Action:** Approve, **Moved by**
440 Councilor Pat Clauser, **Seconded by** Councilor Mel Knight.

441 **Vote:** Motion carried by unanimous vote (summary: Yes = 6).

442 **Yes:** Councilor David Dornburg, Councilor George Wright, Councilor Kevin Lucero, Councilor Mel
443 Knight, Councilor Pat Clauser, Mayor Pro Tem Jim Fahey.

444
445
446 **M. ANNOUNCEMENTS/FUTURE AGENDA ITEMS:**
447

448 Candidate forums

449
450 Meadowlark Path and Drainage
451

452 **N. ADJOURNMENT**
453

454 A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 4324 CORRALES
455 ROAD, DURING REGULAR BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M. OR
456 ON THE WEBSITE: www.Corrales-NM.org click on Government & Council Meetings
457

458 If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary
459 aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at the Village Offices located at
460 4324 Corrales Road, at least five (5) days prior to the meeting or as soon as possible.

461 Public documents, including the agenda and minutes, can be provided in various accessible formats.

462 Please contact the Village Clerk at 897-0502, or by e-mail at sfresquez@corrales-nm.org if a summary or other type of accessible format is needed.

463 **NEXT REGULAR COUNCIL MEETING: February 11th, 2020 at 6:30pm**

464 I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act,
465 Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 19-041.

466 Approved this 11th Day of February 2020

467 _____
468 Shannon Fresquez, Village Clerk



VILLAGE OF CORRALES

RESOLUTION NO. 20-005

A RESOLUTION TO AUTHORIZING THE ASSIGNMENTS OF AUTHORIZED OFFICER(S) AND AGENT(S)

Whereas, the Village Council, the governing body of the Village of Corrales of Sandoval County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as SAP 19-D2532-GF Grant Agreement.

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

JoAnne D. Roake, Mayor, Village of Corrales, is authorized to sign the agreement for this project, and

Ron Curry, Village Administrator, or his/her successors are OFFICIAL REPRESENTATIVES who are authorized to sign and request reimbursement requests and act as a single point of contact concerning all matters related to the grant agreement.

PASSED, APPROVED, AND ADOPTED this 11th day of February, 2020.

VILLAGE OF CORRALES

Honorable JoAnne D. Roake
Mayor, Village of Corrales

ATTEST:

Shannon Fresquez, Village Clerk
(SEAL)

**STATE OF NEW MEXICO
DEPARTMENT OF ENVIRONMENT]
FUND 89200 CAPITAL APPROPRIATION PROJECT
CORRALES VISITORS CTR WATER & WWATER LINES
SAP 19-D2532-GF**

THIS AGREEMENT is made and entered into as of this [____] day of [_____], 20[___], by and between the New Mexico Environment Department hereinafter called the “Department” or “NMED”, and Village of Corrales hereinafter called the “Grantee”. This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the Laws of 2019, Chapter 277, Section 26, Paragraph 105, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, NMED is empowered pursuant to Section 74-1-6 B, NMSA 1978 to contract in its own name.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

**SAP 19-D2532-GF (\$50,000.00) APPROPRIATION REVERSION DATE: June 30, 2023
Laws of 2019 Chapter 277, Section 26, Paragraph 105, Fifty Thousand Dollars (\$50,000.00):**

to plan, design and construct water and wastewater system improvements from casa San Ysidro and the historic old church to Corrales road for a visitors center in Corrales in Sandoval county

The Grantee’s total reimbursements shall not exceed Fifty Thousand Dollars (\$50,000.00) minus the allocation for Art in Public Places¹, if applicable, No Dollars (\$0.00) which equals Fifty Thousand Dollars (\$50,000.00) (the “Adjusted Appropriation Amount”).

¹ The AIPP amount is “an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000).” Section 13-4A-4 NMSA 1978.

In the event of a conflict among the Appropriation Amount, the Reversion Date, as defined herein and/or the purpose of the Project, as set forth in this Agreement, and the corresponding appropriation language in the laws cited above in this Article I(A), the language of the laws cited herein shall control.

This project is referred to throughout the remainder of this Agreement as the “Project”; the information contained in Article I(A) is referred to collectively throughout the remainder of this Agreement as the “Project Description.” Optional Attachment A sets forth additional or more stringent requirements and conditions, which are incorporated by this reference as if set forth fully herein. If Optional Attachment A imposes more stringent requirements than any requirement set forth in this Agreement, the more stringent requirements of Attachment A shall prevail, in the event of irreconcilable conflict. The Grantee shall reference the Project's number in all correspondence with and submissions to the Department concerning the Project, including, but not limited to, Requests for Payment and reports.

ARTICLE II. LIMITATION ON DEPARTMENT’S OBLIGATION TO MAKE GRANT DISBURSEMENT TO GRANTEE

A. Upon the Effective Date of this Agreement, for permissible purposes within the scope of the Project Description, the Grantee shall only be reimbursed monies for which the Department has issued and the Grantee has received a Notice of Department’s Obligation to Reimburse² Grantee (hereinafter referred to as “Notice of Obligation”). This Grant Agreement and the disbursement of any and all amounts of the above referenced Adjusted Appropriation Amount are expressly conditioned upon the following:

- (i) Irrespective of any Notice of Obligation, the Grantee’s expenditures shall be made on or before the Reversion Date and, if applicable, an Early Termination Date (i.e., the goods have been delivered and accepted or the title to the goods has been transferred to the Grantee and/or the services have been rendered for the Grantee); and
- (ii) The total amount received by the Grantee shall not exceed the lesser of: (a) the Adjusted Appropriation Amount identified in Article I(A) herein or (b) the total of all amounts stated in the Notice(s) of Obligation evidencing that the Department has received and accepted the Grantee’s Third-Party Obligation(s), as defined in subparagraph iii of this Article II(A); and
- (iii) The Grantee’s expenditures were made pursuant to the State Procurement Code and execution of binding written obligations or purchase orders with Third-Party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the Project, hereinafter referred to as “Third-Party Obligations”; and
- (iv) The Grantee’s submittal of timely Requests for Payment in accordance with the procedures set forth in Article IX of this Agreement; and
- (v) In the event that capital assets acquired with Project funds are to be sold, leased, or licensed to or operated by a private entity, the sale, lease, license, or operating agreement:
 - a. must be approved by the applicable oversight entity (if any) in accordance with law; or
 - b. if no oversight entity is required to approve the transaction, the Department must approve the transaction as complying with law.

Prior to the sale, lease, license, or operating agreement being approved pursuant to Articles II(A)(v)(a) and II(A)(v)(b) herein, the Department may, in its sole and absolute discretion and unless inconsistent with State Board of Finance imposed conditions, reimburse the Grantee for necessary expenditures

² “Reimburse” as used throughout this Agreement includes Department payments to the Grantee for invoices received, but not yet paid, by the Grantee from a Third-Party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee.

incurred to develop the Project sufficiently to make the sale, lease, license, or operating agreement commercially feasible, such as plan and design expenditures; and

(vi) The Grantee's submission of documentation of all Third-Party Obligations and amendments thereto (including terminations) to the Department and the Department's issuance and the Grantee's receiving of a Notice of Obligation for a particular amount in accordance with the terms of this Agreement shall be governed by the following:

- a. The Grantee shall submit to the Department one copy of all Third-Party Obligations and amendments thereto (including terminations) as soon as possible after execution by the Third-Party **but prior to execution by the Grantee.**
- b. Grantee acknowledges and agrees that if it chooses to enter into a Third-Party Obligation prior to receiving a Notice of Obligation that covers the expenditure, it is solely responsible for such obligations.
- c. The Department may, in its sole and absolute discretion, issue to Grantee a Notice of Obligation for the particular amount of that Third-Party Obligation that only obligates the Department to reimburse Grantee's expenditures made on or before the Reversion Date or an Early Termination Date. The current Notice of Obligation form is attached to this Agreement as Exhibit 2.
- d. The date the Department signs the Notice of Obligation is the date that the Department's Notice of Obligation is effective. After that date, the Grantee is authorized to budget the particular amount set forth in the Notice of Obligation, execute the Third-Party Obligation and request the Third-Party to begin work. Payment for any work performed or goods received prior to the effective date of the Notice of Obligation is wholly and solely the obligation of the Grantee.

B. The Grantee shall implement, in all respects, the Project. The Grantee shall provide all necessary qualified personnel, material, and facilities to implement the Project. The Grantee shall finance its share (if any) of the costs of the Project, including all Project overruns.

C. Project funds shall not be used for purposes other than those specified in the Project Description.

D. Unless specifically allowed by law, Project funds cannot be used to reimburse Grantee for indirect Project costs.

ARTICLE III. NOTICE PROVISIONS AND GRANTEE AND DEPARTMENT DESIGNATED REPRESENTATIVES

Whenever written notices, including written decisions, are to be given or received, related to this Agreement, the following provisions shall apply.

The Grantee designates the person(s) listed below, or their successor, as their official representative(s) concerning all matters related to this Agreement:

Grantee: _____
Name: _____
Title: _____
Address: _____
Email: _____
Telephone: _____

Please provide this information in the Resolution and Signature page; this page does NOT need to be completed.

The Grantee designates the person(s) listed below, or their successor, as their Fiscal Officer or Fiscal Agent concerning all matters related to this Agreement:

Grantee: _____
Name: _____
Title: _____
Address: _____
Email: _____
Telephone: _____

The Department designates the persons listed below, or their successors, as the Points of Contact for matters related to this Agreement.

Department: New Mexico Environment Department
Name: Paulette Ortiz
Title: Project Administrator
Address: Construction Program Bureau
NMED, Harold Runnels Building
1190 St. Francis Drive S-2072
Santa Fe, NM 87502

Email: paulette.ortiz@state.nm.us
Telephone: 505-827-0548

The Grantee and the Department agree that either party shall send all notices, including written decisions, related to this Agreement to the above-named persons by email or regular mail. In the case of mailings, notices shall be deemed to have been given and received upon the date of the receiving party’s actual receipt or five calendar days after mailing, whichever shall first occur. In the case of email transmissions, the notice shall be deemed to have been given and received on the date reflected on the delivery receipt of email.

ARTICLE IV. REVERSION DATE, TERM, DEADLINE TO EXPEND FUNDS

A. As referenced in Article I(A), the applicable law establishes a date by which Project funds must be expended by Grantee, which is referred to throughout the remainder of this Agreement as the “Reversion Date.” Upon being duly executed by both parties, this Agreement shall be effective as of the date of execution by the

Department. It shall terminate on June 30, 2023 the Reversion Date unless Terminated Before Reversion Date (“Early Termination”) pursuant to Article V herein.

B. The Project’s funds must be expended on or before the Reversion Date and, if applicable, Early Termination Date of this Agreement. For purposes of this Agreement, it is not sufficient for the Grantee to encumber the Project funds on its books on or before the Project's Reversion Date or Early Termination Date. Funds are expended and an expenditure has occurred as of the date that a particular quantity of goods are delivered to and received by the Grantee or title to the goods is transferred to the Grantee and/or as of the date particular services are rendered for the Grantee. Funds are *not* expended and an expenditure has *not* occurred as of the date they are encumbered by the Grantee pursuant to a contract or purchase order with a Third-Party.

ARTICLE V. EARLY TERMINATION

A. Early Termination Before Reversion Date Due to Completion of the Project or Complete Expenditure of the Adjusted Appropriation or Violation of this Agreement

Early Termination includes:

- (i) Termination due to completion of the Project before the Reversion Date; or
- (ii) Termination due to complete expenditure of the Adjusted Appropriation Amount before the Reversion Date; or
- (iii) Termination for violation of the terms of this Agreement; or
- (iv) Termination for suspected mishandling of public funds, including but not limited to, fraud, waste, abuse, and conflicts of interest.

Either the Department or the Grantee may early terminate this Agreement prior to the Reversion Date by providing the other party with a minimum of fifteen (15) days’ advance, written notice of early termination. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(A).

B. Early Termination Before Reversion Date Due to Non-appropriation

The terms of this Agreement are expressly made contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. Throughout this Agreement the term “non-appropriate” or “non-appropriation” includes the following actions by the New Mexico Legislature: deauthorization, reauthorization or revocation of a prior authorization. The Legislature may choose to non-appropriate the Appropriation referred to in Article I and, if that occurs, the Department shall early terminate this Agreement for non-appropriation by giving the Grantee written notice of such termination, and such termination shall be effective as of the effective date of the law making the non-appropriation. The Department’s decision as to whether sufficient appropriations or authorizations are available shall be accepted by the Grantee and shall be final. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(B).

C. Limitation on Department’s Obligation to Make Grant Disbursements to Grantee in the Event of Early Termination

In the event of Early Termination of this Agreement by either party, the Department’s sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth Article II.

ARTICLE VI. SUSPENSION OF NEW OR FURTHER OBLIGATIONS

A. The Department may choose, in its sole and absolute discretion, to provide written notice to the Grantee to suspend entering into new and further obligations. Upon the receipt of such written notice by the Grantee:

- (i) The Grantee shall immediately suspend entering into new or further written obligations with third parties; and
- (ii) The Department will suspend the issuance of any new or further Notice of Obligation under this Agreement; and
- (iii) The Department may direct the Grantee to implement a corrective action plan in accordance with Article VI(D) herein.

B. In the event of Suspension of this Agreement, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth in Article II herein.

C. A suspension of new or further obligations under this Agreement shall remain in effect unless or until the date the Grantee receives written notice given by the Department informing the Grantee that the Suspension has been lifted or that the Agreement has been Early Terminated in accordance with Article V herein. If the Suspension is lifted, the Department will consider further requests for Notice of Obligation.

D. Corrective Action Plan in the Event of Suspension

In the event that the Department chooses, in its sole and absolute discretion to direct the Grantee to suspend entering into new or further written obligations with third parties pursuant to Article VI(A), the Department may, but is not obligated to, require the Grantee to develop and implement a written corrective action plan to remedy the grounds for the Suspension. Such corrective action plan must be approved by the Department and be signed by the Grantee. Failure to sign a corrective action plan or meet the terms and deadlines set forth in the signed corrective action plan, is hereby deemed a violation of the terms of this Agreement for purposes of Early Termination, Article V(A)(iii). The corrective action plan is in addition to, and not in lieu of, any other equitable or legal remedy, including but not limited to Early Termination.

ARTICLE VII. AMENDMENT

This Agreement shall not be altered, changed, or amended except by instrument in writing duly executed by both the parties hereto.

ARTICLE VIII. REPORTS

A. Database Reporting

The Grantee shall report monthly Project activity by entering such Project information as the Department and the Department of Finance and Administration may require, such information entered directly into a database maintained by the Department of Finance and Administration (<http://cpms.dfa.state.nm.us>). Additionally, the Grantee shall certify on the Request for Payment form (Exhibit 1) that updates have been maintained and are current in the database. The Grantee hereby acknowledges that failure to perform and/or certify updates into the database will delay or potentially jeopardize the reimbursement of funds. The Department shall give Grantee a minimum of thirty (30) days' advance written notice of any changes to the information the Grantee is required to report.

Monthly reports shall be due on the last day of each month, beginning with the first full month following execution of this Agreement by the Department and ending upon the submission of the final request for reimbursement for the Project.

B. Requests for Additional Information/Project Inspection

During the term of this Agreement and during the period of time during which the Grantee must maintain records pursuant to Article VIII, the Department may:

- (i) request such additional information regarding the Project as it deems necessary; and
- (ii) conduct, at reasonable times and upon reasonable notice, onsite inspections of the Project.

Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Department.

ARTICLE IX. REQUEST FOR PAYMENT PROCEDURES AND DEADLINES

A. The Grantee shall request payment by submitting a Request for Payment, in the form attached hereto as Exhibit 1. Payment requests are subject to the following procedures:

- (i) The Grantee must submit a Request for Payment; and
- (ii) Each Request for Payment must contain proof of payment by the Grantee or liabilities incurred by the Grantee showing that the expenditures are valid or are liabilities incurred by the Grantee in the form of actual unpaid invoices received by the Grantee for services rendered by a Third-Party or items of tangible personal property received by the Grantee for the implementation of the Project; provided, however, that the Grantee may be reimbursed for unpaid liabilities only if the Department, in its sole and absolute discretion, agrees to do so and in accordance with any special conditions imposed by the Department.
- (iii) In cases where the Grantee is submitting a Request for Payment to the Department based upon invoices received, but not yet paid, by the Grantee from a Third-Party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee, the Grantee shall make payment to those contractors or vendors within five (5) business days from the date of receiving reimbursement from the Department or such shorter period of time as the Department may prescribe in writing. The Grantee is required to certify to the Department proof of payment to the Third-Party contractor or vendor within ten (10) business days from the date of receiving reimbursement from the Department.

B. The Grantee must obligate 5% of the Adjusted Appropriation Amount within six months of acceptance of the grant agreement and must have expended no less than 85% of the Adjusted Appropriation Amount six months prior to the reversion date.

C. Deadlines

Requests for Payments shall be submitted by Grantee to the Department on the earlier of:

- (i) Immediately as they are received by the Grantee but at a minimum thirty (30) days from when the expenditure was incurred or liability of the Grantee was approved as evidenced by an unpaid invoice received by the Grantee from a Third-Party contractor or vendor; or
- (ii) July 15 of each year for all unreimbursed expenditures incurred during the previous fiscal year; or
- (iii) Twenty (20) days from date of Early Termination; or
- (iv) Twenty (20) days from the Reversion Date.

D. The Grantee's failure to abide by the requirements set forth in Article II and Article IX herein will result in the denial of its Request for Payment or will delay the processing of Requests for Payment. The Department has the right to reject a payment request for the Project unless and until it is satisfied that the expenditures in the Request for Payment are for permissible purposes within the meaning of the Project Description and that the expenditures and the Grantee are otherwise in compliance with this Agreement, including but not limited to, compliance with the reporting requirements and the requirements set forth in Article II herein to provide Third-Party Obligations and the Deadlines set forth in Article IX herein. The Department's ability to reject any Request for Payment is in addition to, and not in lieu of, any other legal or equitable remedy available to the Department due to Grantee's violation of this Agreement.

ARTICLE X. PROJECT CONDITIONS AND RESTRICTIONS; REPRESENTATIONS AND WARRANTIES

- A. The following general conditions and restrictions are applicable to the Project:
- (i) The Project's funds must be spent in accordance with all applicable state laws, regulations, policies, and guidelines, including, but not limited to, the State Procurement Code (or local procurement ordinance, where applicable).
 - (ii) The Project must be implemented in accordance with the New Mexico Public Works Minimum Works Act, Section 13-4-10 through 13-4-17 NMSA 1978, as applicable. Every contract or project in excess of sixty thousand dollars (\$60,000) that the Grantee is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, shall be based upon the wages and benefits that will be determined by the New Mexico Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the locality. Further, every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Section 13-4-11 (B) NMSA 1978 to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.
 - (iii) The Project may only benefit private entities in accordance with applicable law, including, but not limited to, Article IX, Section 14 of the Constitution of the State of New Mexico, the "Anti-Donation Clause."
 - (iv) The Grantee shall not for a period of 10 years from the date of this agreement convert any property acquired, built, renovated, repaired, designed or developed with the Project's funds to uses other than those specified in the Project Description without the Department's and the Board of Finance's express, advance, written approval, which may include a requirement to reimburse the State for the cost of the project, transfer proceeds from the disposition of property to the State, or otherwise provide consideration to the State.
 - (v) The Grantee shall comply with all federal and state laws, rules and regulations pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations the Grantee agrees to assure that no person shall, on the grounds of race, color, national origin, sex,

sexual preference, age or handicap, be excluded from employment with Grantee, be excluded from participation in the Project, be denied benefits or otherwise be subject to discrimination under, any activity performed under this Agreement. If Grantee is found to be not in compliance with these requirements during the life of this Agreement, Grantee agrees to take appropriate steps to correct any deficiencies. The Grantee's failure to implement such appropriate steps within a reasonable time constitutes grounds for terminating this Agreement.

- B. The Grantee hereby represents and warrants the following:
- (i) The Grantee has the legal authority to receive and expend the Project's funds.
 - (ii) This Agreement has been duly authorized by the Grantee, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.
 - (iii) This Agreement and the Grantee's obligations hereunder do not conflict with any law or ordinance or resolution applicable to the Grantee, the Grantee's charter (if applicable), or any judgment or decree to which the Grantee is subject.
 - (iv) The Grantee has independently confirmed that the Project Description, including, but not limited to, the amount and Reversion Date, is consistent with the underlying appropriation in law.
 - (v) The Grantee's governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the Grantee to sign the Agreement and to sign Requests for Payment.
 - (vi) The Grantee shall abide by New Mexico laws regarding conflicts of interest, governmental conduct and whistleblower protection. The Grantee specifically agrees that no officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this Grant, during their tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed or goods to be received, pursuant to this Grant. Further, Grantee shall require all of its contractors to incorporate in all subcontracts the language set forth in this paragraph prohibiting conflicts of interest.
 - (vii) No funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of this or any agency or body in connection with the awarding of any Third-Party Obligation and that the Grantee shall require certifying language prohibiting lobbying to be included in the award documents for all sub awards, including subcontracts, loans and cooperative agreements. All subrecipients shall be required to certify accordingly.

ARTICLE XI. STRICT ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS; PROJECT RECORDS

A. The Grantee shall be strictly accountable for receipts and disbursements relating to the Project's funds. The Grantee shall follow generally accepted accounting principles, and, if feasible, maintain a separate bank account or fund with a separate organizational code, for the funds to assure separate budgeting and accounting of the funds.

B. For a period of six (6) years following the Project's completion, the Grantee shall maintain all Project related records, including, but not limited to, all financial records, requests for proposals, invitations to bid,

selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as records sufficient to fully account for the amount and disposition of the total funds from all sources budgeted for the Project, the purpose for which such funds were used, and such other records as the Department shall prescribe.

C. The Grantee shall make all Project records available to the Department, the Department of Finance and Administration, and the New Mexico State Auditor upon request. With respect to the funds that are the subject of this Agreement, if the State Auditor or the Department of Finance and Administration finds that any or all of these funds were improperly expended, the Grantee may be required to reimburse to the State of New Mexico, to the originating fund, any and all amounts found to be improperly expended.

ARTICLE XII. IMPROPERLY REIMBURSED FUNDS

If the Department determines that part or all of the Appropriation Amount was improperly reimbursed to Grantee, including but not limited to, Project funds reimbursed to Grantee based upon fraud, mismanagement, misrepresentation, misuse, violation of law by the Grantee, or violation of this Agreement, the Grantee shall return such funds to the Department for disposition in accordance with law.

ARTICLE XIII. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to immunities and limitations of the New Mexico Tort Claims Act.

ARTICLE XIV. SCOPE OF AGREEMENT

This Agreement constitutes the entire and exclusive agreement between the Grantee and Department concerning the subject matter hereof. The Agreement supersedes any and all prior or contemporaneous agreements, understandings, discussions, communications, and representations, written or verbal.

ARTICLE XV. REQUIRED NON-APPROPRIATIONS CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

The Grantee acknowledges, warrants, and agrees that Grantee shall include a “non-appropriations” clause in all contracts between it and other parties that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement that states:

“The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, the Village of Corrales may immediately terminate this Agreement by giving Contractor written notice of such termination. The Village of Corrales’s decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against the Village of Corrales or the New Mexico Environment Department or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the Village of Corrales or the Department”

ARTICLE XVI. REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

Grantee acknowledges, warrants, and agrees that Grantee shall include the following termination clause in all contracts that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement:

“This contract is funded in whole or in part by funds made available under a New Mexico Environment Department Grant Agreement. Should the New Mexico Environment Department early terminate the grant agreement, the Village of Corrales may early terminate this contract by providing Contractor written notice of such termination. In the event of termination pursuant to this paragraph, the Village of Corrales’s only liability shall be to pay Contractor for acceptable goods delivered and services rendered before the termination date.”

Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department.

ARTICLE XVII. COMPLIANCE WITH UNIFORM FUNDING CRITERIA.

- A. Throughout the term of this Agreement, Grantee shall:
1. submit all reports of annual audits and agreed upon procedures required by Section 12-6-3(A)-(B) NMSA 1978 by the due dates established in 2.2.2 NMAC, reports of which must be a public record pursuant to Section 12-6-5(A) NMSA 1978 within forty-five days of delivery to the State Auditor;
 2. have a duly adopted budget for the current fiscal year approved by its budgetary oversight agency (if any);
 3. timely submit all required financial reports to its budgetary oversight agency (if any); and
 4. have adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds.

- B. In the event Grantee fails to comply with the requirements of Paragraph A of this Article XVII, the Department may take one or more of the following actions:
1. suspend new or further obligations pursuant to Article VI(A) of this Agreement;
 2. require the Grantee to develop and implement a written corrective action plan pursuant to Article VI(D) of this Agreement to remedy the non-compliance;
 3. impose special grant conditions to address the non-compliance by giving the Grantee notice of such special conditions in accordance with Article III of this Agreement; the special conditions shall be binding and effective on the date that notice is deemed to have been given pursuant to Article III; or
 4. terminate this Agreement pursuant to Article V(A) of this Agreement.

ARTICLE XVIII. SEVERANCE TAX BOND AND GENERAL OBLIGATION BOND PROJECT CLAUSES (Applicable only if the appropriation is funded by Severance Tax Bonds or General Obligations Bonds).

A. Grantee acknowledges and agrees that the underlying appropriation for the Project is a severance tax bond or general obligation bond appropriation, and that the associated bond proceeds are administered by the New Mexico State Board of Finance (SBOF), an entity separate and distinct from the Department. Grantee acknowledges and agrees that (i) it is Grantee’s sole and absolute responsibility to determine through SBOF staff what (if any) conditions are currently imposed on the Project; (ii) the Department’s failure to inform

Grantee of a SBOF imposed condition does not affect the validity or enforceability of the condition; (iii) the SBOF may in the future impose further or different conditions upon the Project; (iv) all SBOF conditions are effective without amendment of this Agreement; (v) all applicable SBOF conditions must be satisfied before the SBOF will release to the Department funds subject to the condition(s); and (vi) the Department's obligation to reimburse Grantee from the Project is contingent upon the then current SBOF conditions being satisfied.

B. Grantee acknowledges and agrees that the SBOF may in its sole and absolute discretion remove a project's assigned bond proceeds if the project doesn't proceed sufficiently. Entities must comply with the requirement to encumber five percent (5%) of Project funds within six months of bond issuance as certified by the grantee in the Bond Questionnaire and Certification documents submitted to the SBOF. Failure to comply may result in the bond proceeds reassignment to a new ready project. If this should occur this grant agreement will be suspended until the entity has demonstrated readiness as determined by the SBOF and the Department.

C. Grantee acknowledges and agrees that this Agreement is subject to the SBOF's Bond Project Disbursements rule, NMAC 2.61.6, as may be amended or re-codified. The rule provides definitions and interpretations of grant language for the purpose of determining whether a particular activity is allowable under the authorizing language of the agreement.

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Authorization Page

CORRALES VISITORS CTR WATER & WWATER LINES SAP 19-D2532-GF

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date of execution by the Department.

GRANTEE

Signature of Official with Authority to Bind Grantee

Entity Name

By: _____
(Type or Print Name)

Its: _____
(Type or Print Title)

Date

NEW MEXICO ENVIRONMENT DEPARTMENT

By:

Its: Cabinet Secretary or Designee

Date



VILLAGE OF CORRALES

Boards/Commissions/Committee Application

Name: Chris Carpenter Date: 2-5-2020

Mailing Address: _____

Street Address: _____

Phone Numbers: Home: _____

Office: _____

Mobile/Cell: _____

E-Mail Address: _____

For which Board are you volunteering? _____

Briefly state your reason(s) for wanting to serve on this Board or Commission.

To Help the Community.

Briefly state your understanding of the key issue(s) facing this Board or Commission.

Please list any experience that would be pertinent to your appointment to this Board/Commission.

My degree is in Viticulture. I have been making wine and growing our own grapes for 15 years.

Please use reverse side of paper for additional space if needed

OFFICE USE ONLY

Received By: _____ Date Application Received: _____

Initial Application

Renewal:

Mayor's Initials: _____ Date of Confirmation: _____

Term Expires: _____