

STATE OF NEW MEXICO)
CITY OF CLOVIS) ss.

The City of Clovis Water Policy Advisory Board met in regular session at 8:30 a.m., Tuesday, February 14, 2017 in the Assembly Room, Bert Cabiness City Government Center, 321 N. Connelly in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of said city with the following members present:

Commissioner Chris Bryant, Chairman
Commissioner Fidel Madrid
Commissioner Ladona Clayton
Commissioner Sandra Taylor-Sawyer
County Commissioner Robert Thornton (for
Chet Spear)
Mr. Larry Fry
Mr. Jack Muse
Mr. Vince Demaio
Mr. Gene Hendrick
Mr. Harry Pomeroy

ALSO PRESENT:

Ms. Claire Burroughes, Administration
Mr. Justin Howalt, ENMWUA
News Media

Commissioner Bryant called the meeting to order at 8:31 a.m. and established the presence of a quorum.

Agenda Item No. 3 - Approval of Minutes of January 11, 2017

Mr. Hendrick moved to approve the minutes of January 11th, 2017; Mr. Muse seconded the motion. With all voting in the affirmative, with the exception of Commissioner Taylor-Sawyer who abstained, the motion carried.

Agenda Item No. 4 - Discussion/action regarding the duties, duration & membership of the Water Policy Strategic Planning Task Force

Following the previous meeting, Commissioner Bryant suggested the Water Policy Advisory Committee should advise and make recommendations to the Water Policy Strategic Planning Committee in the development of water conservation and water planning projects and programs for the City of Clovis.

Duration. With regard to the duration of the committee, Commissioner Bryant asked how long they would need to continue with the tasks they need to do. Commissioner Clayton advised at their last sub-committee meeting they determined it would be a lengthy process as they are committed to looking into what needs to occur due to the difficult situation with water. They have a lot of research, and are currently doing reading and field trips. They are making informed

decisions and do not want to repeat themselves. She felt it would take 3 to 5 months to complete this work correctly and well. The initial work will take three months, possibly longer, and they will then bring their recommendations to the Water Policy Advisory Committee. If there are other recommendations they will reconvene and come back to the committee. She thought the whole process would take 6-8 months. Her recommendation was they would hold the accountability measure in place, so they would work that the actions that were created were actually implemented, and that would take a once a quarter basis. They would meet with this committee quarterly to make sure the actions are being implemented. She recognized Mr. Hendrick and Commissioner Thornton who were attending these meetings.

Commissioner Bryant asked if there were any other suggestions. There were none.

Commissioner Bryant asked if this would be a problem with the duration. Mr. Richards said it was not a standing committee. The policy of the City Commission is that all committees meet the requirements of the Open Meetings Act whether they are required to or not. If this committee is serving in a recommending capacity, they are fine. Commissioner Bryant advised the policy making will be the City Commission.

Commissioner Taylor-Sawyer said it has been the policy of the city to make all meetings open whether they are ad hoc or a task force and noted that this will be a closed meeting. Once it is referred to the Water Policy Advisory Committee it will be open. Commissioner Clayton said the first whole part of the work her group is conducting will be a strategic planning effort, and if you can start by building openness, candor and trust, so there is nothing that cannot be discussed within that group, then you have a much better end result in that particular setting. Strategic planning is to build trust in a set group, and then they would open it up.

Commissioner Bryant asked what the recommendation of the committee would be. He asked if they needed to set a duration or just move on. Mr. Richards said there was no requirement in any policy or the law that there be a set time limit. Commissioner Bryant said they would not put a duration on it.

Membership. Commissioner Clayton, Commissioner Thornton, Mark Huerta and/or Daniel Bailet, CIDC – Gene Hendrick, EPCOG, Sandy Chancey, City Administration. The members would have the ability to invite other individuals to attend the meeting on an as needed basis. He asked if this was acceptable or were there other thoughts. Commissioner Clayton said Blake Prather was vital. Ms. Chancey said he represented the agricultural interest. Commissioner Clayton said his banking background was really beneficial. She said his questions are thought provoking and his knowledge of water and his connections were useful. He has provided her with information regarding the well contractors in town. Mr. DeMaio said Mr. Prather did not represent agriculture per se, and did not represent one side or another. It is for the City of Clovis as it represents everyone. Mr. Prather represents an overall accomplishment of a goal, rather than an individual entity. Commissioner Taylor-Sawyer suggested Mr. Prather be a member at large. Mr. Prather will be made a member at large.

Commissioner Madrid made a motion for all the membership; Mr. Muse seconded the motion. Commissioner Taylor-Sawyer suggested they voted on the duties and the membership. Commissioner Madrid amended his motion to include them. Commissioner Clayton said the nature of strategic planning is there is no substitutions, the reason being is they build trust, and

the relationships are created. If you cannot make it then you cannot send a substitute. The motion carried by acclamation.

Commissioner Bryant asked how often they were meeting. They will meet every two weeks. Mr. Howalt asked that if there will be any discussion regarding the ENMWUA, they would like to be invited to attend to answer questions.

Agenda Item No. 5 - Discussion regarding setting April 2017 as Water Conservation Month and related activities

Commissioner Bryant advised regarding the 2014 Water Conservation month activities. He passed around a calendar that Santa Fe did with the schools and thought something like this was a good idea.

Mr. Fry thought it was important to promote conservation and continue to keep the urgency of their water situation in front of their citizens. Commissioner Bryant said the Commission has done a resolution each year. He asked if they would like to continue to do it. Mr. DeMaio thought bringing it to the schools was critical and getting this in front of them was important. He thought it was great to bring it to the schools. They will do PSAs, etc. Commissioner Bryant asked them to let him know if they had any other suggestions. He thought EPCOR would continue to do their low flow showerheads and the xeriscaping program.

Commissioner Taylor-Sawyer asked if they approached the hotels regarding water reduction last year. Commissioner Bryant said water conservation measures in the hotels was coming from corporate level and was not sure if the local hotels had followed up with them. Ms. Burroughes advised they would talk with the hotels regarding water conservation as they talk with them about the NMML conference.

Agenda Item No. 6 - Updates

ENMWUA Update

Mr. Howalt advised the session is ongoing and they are watching any bills that may impact the ENMWUA.

HB 275 and sister bill SB 143 regarding private/public partnerships. The senate bill allows for telecommunication and broadband through P3, while the house bill allows for any type of infrastructure. As the ENMWUA looks at different funding situations and considers the funding of the pipeline, they need legislation in place to allow private/public partnerships. P3s may be a part of an overall infrastructure package. Without legislation being passed, that will not be an option in New Mexico. P3s exist in other states.

HB 5 and sister bill SB 112 eliminates Water Trust Board funding for FY 17 which is the current application cycle. The house took the language exempting funding through the WTB out, but the senate bill put the language back in. It is currently in committee on the house side. If they concur with the senate then the WTB funding for FY 17 will be gone. HT 59 and sister bill SB

44 are bills that introduce the Water Trust Board projects to the legislature. The senate has passed the bill on their side.

At the federal level, the ENMWUA are watching the appointment of Interior nominee Ryan Zinke. ENMWUA talked with Senator Heinrichs' office and as a result the senator asked Mr. Zinke about his stance the Navajo Gallup project as well as the Ute Pipeline project. Mr. Zinke said they should look at how they are prioritizing projects where there are declines as other areas are facing water quality rather than water quantity issues. Mr. Howalt felt it was good they are watching this. Mr. Zinke's confirmation has been postponed indefinitely.

The ENMWUA are ready on the Clovis/Cannon piece and that is the piece they are pushing for funding, but they are also ready to go with 100% design for the Cannon to Portales piece. They would like both projects to move forward.

While at the last ENMWUA meeting in Santa Fe they met with representatives from the NMML, State Engineer's office, Association of Counties, etc. who are continuing to push their project.

Mr. Howalt advised instead of strategic planning, they are looking at scenario planning. He has visited with the planning community on consultants to help with that. Someone will come in and work with their member communities, to see how the Water Policy Advisory Committee's plan would work into ENMWUA plan. He advised scenario planning is a bunch of "what if" scenarios. For example, are they willing as communities to take a larger role in the project if the funding does not come through at the federal level.

Mr. Howalt advised they are working on their website and have put a lot of other information on it.

Mr. Hendrick asked what was happening with Portales. Mr. Howalt said Portales has agreed to pay their member contribution for this year. Mayor King and Councilman Lucero have been meeting with the Portales council members. They are going to research on their own their water needs and re-review their annual water reports from Mr. Wilson and work on looking through what Portales' individual needs are.

Mr. DeMaio said Mr. Howalt's report was a great report. He said it is perilous to depend on government funding. He said they need to work on how to figure out what to do at a local level. They should not depend on guys in Santa Fe and DC. Mr. Howalt said that was why they were looking at other ways to fund the project. They are looking at affordability and what each organization is trying to accomplish, and work together.

Mr. Richards said the P3 partnership would benefit the City of Clovis in partnering with private entities to build infrastructure projects. The project currently costs a lot more money because there is not a mechanism available to work with private entities. If they have any contact or could mention to any legislators, that is an impediment to government infrastructure in New Mexico, and if they could figure a way to do private-public partnerships, that would drive down the cost of government infrastructure projects in New Mexico.

Mr. Howalt said public-private partnerships are being done all over the world. States next to New Mexico already have this legislation. It is another tool that you want to have available. If the city has a vacant lot that they want developed, they could work with private partnerships. Mr. Muse asked with the Davis Bacon Act if there was a threshold that contracts had to be to be done through Davis Bacon. If it was city and private would work together you avoid that and lower the cost. Mr. Richards said wage rates were available at the state and federal level, and approved wage rates drives up the cost. Mr. Howalt said there is a bill to eliminate prevailing wage rates at the state level. Mr. Fry said the unions strongly opposed it. The unions oppose public-private partnerships as well.

City Update

Mr. Fry said they are waiting to hear about the Water Trust Board funding. Their next meeting is in late March and they will see where they are at that point. Mayor Lansford, Clint Bunch, representatives from Bohanan Huston, John Ryan and he met with the Bureau of Reclamation three weeks ago regarding federal funding for the effluent reuse pipeline. The feasibility study was discussed, which was approved in 2011 so that will help. This is for Phase 1C of the project, the main distribution part of the project from Sycamore to the Clovis High School.

Agenda Item No. 7 - For the Good of the Order

Ms. Burroughes advised the city will learn if the application for the Playa Lakes Joint Venture projects were successful later in February.

Next meeting March 14th, 2017.

Agenda Item No. 8 - Future Agenda Items

None.

Agenda Item No. 9 - Adjournment

There being no further discussion, the meeting adjourned at 9:10 a.m.