

Las Cruces Utilities
Minutes of the Regular Meeting on
Thursday, May 14, 2020
3:00 pm

Board Members Present

William Little, Chairman
Ed Archuleta, Vice-Chairman
Johana Bencomo, Commissioner
Steven Baumgarn, Commissioner
Jim Carmichael, Commissioner
Dr. Harry Johnson, Commissioner
Gill Sorg, Commissioner

Board Members Absent:

Ex-Officio Members Present:

Jorge A. Garcia, Utilities Director
David Maestas, Interim City Manager

Others:

Cassie McClure, Public Outreach Consultant
Suzanne Michaels, Public Outreach
Consultant

City Staff Present:

Javier Barron, Information Technology
Candace Brown, Internal Auditor
Carl Clark, Deputy Director
Environmental/Technical Support
Robert del Plain, Information Technology
Rhonda Diaz, Water Conservation Program
Coordinator
Jeff Dillard, Business Systems Analyst
Chase Johnson, Customer Central Supervisor
Lucio Garcia, Deputy Director Natural Gas
Robin Lawrence, Deputy Director Solid Waste
John Mrozek, Deputy Director Wastewater
Jose Provencio, Deputy Director Business
Services
Mario Puentes, Gas Business Analyst
Peggy Risner, Administrative Assistant
Domonique Rodriguez, Rate and Economic
Analysis Manager
Alma Ruiz, Senior Officer Manager
Delilah Walsh, Assistant Utilities Director
Adrienne Widmer, Deputy Director Water
Stephanie Zorie, Senior Assistant City
Attorney

Chair Little called the regular meeting to order at approximately 3:02 p.m.

1. Conflict of Interest:

Chair Little: The first order of business is to inquire of the Board and staff if any member of the Board or any member of the City staff has any known Conflict of Interest with any item on the agenda.

Sorg: No.

Carmichael: None.

Dr. Garcia: Mr. Chairman. From staff since we have two new Board Members since 2015. In 2015, in February and in March, I disclosed I own undeveloped property behind A Mountain in the south side. And there's a resolution today dealing



with some of the gas extension on the Phase I, my property's on the next phase. I wanted to put it in the record again because we have a couple of new board members. I've owned that property is 1997, by the way.

Chair Little: All right thank you. Anything else? As we go forward remember to announce your name when you start speaking since we can't see you, we can't be sure of who it is.

2. Acceptance of Agenda:

Chairman Little: The next item business is the Acceptance of the Agenda. Motion to approve.

Johnson: Harry Johnson, Motion to approve.

Chair Little: Thank you. A second.

Bencomo: Bencomo, Second.

Chair Little: Thank you. Any additions or corrections to the agenda? Hearing none.

Calling the Roll: Mr. Carmichael?

Carmichael: Aye.

Chair Little: Ms. Bencomo?

Bencomo: Yes.

Chair Little: Mr. Baumgarn has joined us as well.

Baumgarn: Aye.

Chair Little: Commissioner Sorg?

Sorg: Yes.

Chair Little: Am I missing anyone?

Johnson: You didn't call on me.

Chair Little: Dr. Johnson?

Johnson: I vote, aye.

Chair Little: Thank you.



***Commissioner Baumgarn came on-line at 3:04 p.m.**

Commissioner Carmichael - Aye; Commissioner Bencomo - Aye; Commissioner Baumgarn - Aye; Commissioner Sorg - Aye; Commissioner Johnson - Aye; and Chair Little - Aye; Commissioner Archuleta - Absent.

The Agenda was Accepted Unanimously 6-0.

3. *Acceptance of Minutes:

***a. Regular Meeting from April 9, 2020**

The Minutes were Approved Unanimously 6-0.

4. Public Participation:

Chair Little: The next item is Public Participation. Were there any comments returned from the public?

No there were none. Okay.

There was none.

5. Administrative Report

Chair Little: Next item is the Administrative report. Dr. Garcia.

Dr. Garcia: Mr. Chairman, Board Members. I've asked staff, we're going to have the Customer Service Billing and Receivables. Some of the items in the Administrative Report we're going to summarize them a little bit. But I'd like to have Ms. Walsh expand on some of the items that she's dealing with particularly the COVID-19 Incident Management portion. The Board will be interested to see what we're doing. Also, I will defer to the Board as to how much detail you want me to go on the Consent Decree portion.

Chair Little: This is William Little, it would be nice if we had a link to the Consent Decree in the Federal Register.

Dr. Garcia: Mr. Chairman. We'll provide you a link. However, it is very massive and it's very hard to access. We will have to provide you the main elements of the Decree without all the attachments as a separate link. That would be better for the Board, I believe.

Chair Little: Okay, thank you.

Dr. Garcia: We'll do that after this meeting. With that I'll have Mr. Provencio start with Customer Service and Billing.



Provencio: Good afternoon Chairman, Commissioners. Jose Provencio, Deputy Director Business Services. I'll give you a brief highlight on the activity in regard to the Utility Billing Assistance Programs. You can progress to the third slide of the PowerPoint.

The month of April shows the fairly subdued activity in regards to some of the more numerous transactions we try and help our customers with. I'll focus mainly on the LIHEAP (Low Income Home Energy Assistance Program), which continues to provide that State program that continues to provide assistance for customers. You can see the values in terms of 78 customers being assisted at a little over \$18,000.00 in assistance from the State program.

The other main program would be the CDP (Casa de Peregrinos) with some bill payment assistance which would be the next slide. The brief overview here with respect to the initial allotment of the assistance program, we have fully exhausted the funds. We have for the presentation this month...I'll just show that the initial FY 2020 allotment was fully exhausted. We're into the additional funds that were allocated or provided by City Council. The next slide will show you that that assistance was at \$125,000.00.

Next the report, I'll do for the coming month will be the inclusion of that additional assistance. We're well on our way to assisting our customers in a very good manner. I standby for any questions you may have.

Chair Little: Any questions? Hearing none. Go ahead. Thank you.

Provencio: Next presentation will be a presentation of the Third Quarter Budget Review for Utilities. Going to the first summary, the overall Revenue and Expense Summary for Third Quarter was nothing. There's fairly consistent presentation and present progress for all activities in the major operating groups in the Utility. The more detailed budget comparison and work will progress with the Gas Utility.

Briefly, Gas's budget projections and comparisons stack up pretty and consistent with some of the activity with respect to the cost of gas or the commodity cost. Both the projected revenues and expenses were below the budget projections. Otherwise the performance and in compliance with budget projections is in good order for Gas Utilities. It should be worth noting that the sales volumes at this point in third quarter are fairly even with what was experienced in FY19.

With that I'll move on to comparison with the Water budget review. With respective budget projections and to actuals Water budget is in line with expectations for the third quarter. Again what's the main driver here is just as a note is that sales volumes again and production volumes were very in line



with the previous fiscal year. in terms of water the performance the budget water operations is doing very well.

We'll move on to the Wastewater budget comparison. Wastewater is slightly below the projections both revenue and expenses. Treatment of discharge water was a little bit less for the Third Quarter compared to the previous term in FY19, as well as other expenses that are not that usually tracked the treatment volume. In an overall view is good performance in terms of budget planning and projections.

We go to the Solid Waste comparison for the budget. Solid Waste in terms of budget projections are doing well. I'd like to highlight here at this point is that revenues are above the budget projection. This is compared to budget. There was some good, you could use a phrase, there was some conservative projections for revenues in Solid Waste when the budget was prepared. Keep in mind, we have a Rate Review and rate increase before the City Council for approval, but these are budget projections not comparison in terms or evaluation for Revenue Requirements to continue funding the operation. Either way, expenses are a little bit below what was projected, but in good order in terms of overall budget performance.

Next chart would be the Shared Services performance. The prime driver here is reflective of the work that we're still continuing in terms of filling vacancies. At this point, we're slightly below the projection for expenses for Shared Services. As I wrap up this presentation, I just want to remind you that the complete document that was presented before the City Manager's Budget Review is in your packet and all that detail can be found with what was provided by the Director's office. I standby for any questions you may have.

Chair Little: Okay. Comments or questions? I have two.

Provencio: Yes, sir.

Chair Little: The Solid Waste activities over the past month got sort of deranged by the closing of the green waste and then by the provision of additional Grappler pickups. Did any of that cause any significant problems or is it all just kind of in the noise?

Dr. Garcia: Mr. Chairman. I'll answer that. I think Ms. Lawrence can jump in after I say a few things, but from the revenue point of view, positive or negative, we have not seen the impacts. We anticipate impacts in the next month or two for the Fourth Quarter because we have quite a few commercial customers cut down their service for obvious reasons. We will anticipate some drop in projected revenues. There were disruptions to operations, but Ms. Lawrence and the staff



adjusted very quickly to provide additional services, provide additional Green Grappler, and try to mitigate some of the closures. I don't know if Robin wants to add any more. I think staffing-wise we were fine and we were able to like I said mitigate the changes and adjust very quickly to that, but revenue-wise, we will see an impact I predict.

Chair Little: Thank you.

Dr. Garcia: Robin do you want to add anything?

Lawrence: I actually did put together some statistics earlier today just on Grappler pickups, residential tonnage increased between February to April about 23% on tonnage. Green Grappler and regular Grappler pickups in the month of April increased about 75% and 90% over the previous month. These guys and gals, our phone calls in the office doubled and we were short staffed, so they've all been working very, very, very hard and they've been very busy, but they've all stepped up and did an awesome job.

Chair Little: Thank you.

Bencomo: Mr. Chair.

***Commissioner Archuleta joined 3:16 p.m.**

Chair Little: Vice-Chair Archuleta has joined. Go ahead.

Dr. Garcia: I believe you have the Counselor speak before I do.

Bencomo: Yes, I wanted to, can you repeat the percentage you said that it increased? You cut out a little bit and I didn't catch it.

Lawrence: On all of them or anything in particular?

Bencomo: On the Green Grappler and the Waste Grappler.

Lawrence: Okay, so the regular Grappler the change in percentages of pickups between April and March increased 94%.

Bencomo: Wow.

Lawrence: We went from 1,653 pickups in March to 3,199 pickups. The Green Grappler we increased from March to April 76%, going from 940 pickups in March to 1,658 pickups in April.

Bencomo: Wow. Incredible. Thank you for those numbers.



Lawrence: Yes, ma'am.

Dr. Garcia: If I may add Mr. Chairman. Unfortunately on the residential side additional tonnage is not additional revenue, I want to clarify that. It's fixed. That was a good thing for our customers, but unlike commercial we don't do the charges based on volumetric or number of pickups or weeks. It's standard fixed costs. I think there was a great benefit to customers during this period, but a lot of work for staff and they need to be commended for adjusting very quickly to the situations.

Bencomo: Thank you for that clarification, Dr. Garcia. You're very much right on that. Absolutely. I think the staff has been incredible.

Chair Little: Okay. Any other questions? Okay, going on.

Dr. Garcia: I believe we have Ms. Walsh.

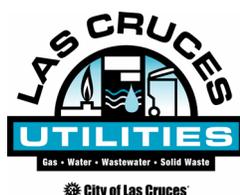
Walsh: Mr. Chair, Commissioners. Delilah Walsh, Assistant Director. I'm going to give a brief Human Resources (HR) report and then we'll talk a little bit more about our COVID response for LCU (Las Cruces Utilities).

We do see a peak in our vacancies in May and this really has a lot to do with the office assistant numbers and vacancies we have open, as well as some recent retirements. We do have a few more retirements expected in June, which will bump up that number again.

What's going on is HR has not refreshed the office assistant candidate pool and they don't plan to do so in the very near future simply because they haven't been able to have candidate testing. Without that refreshed pool, we don't even have a pool of applicants to start the hiring process. We are making progress, but the current environment just has made hiring more difficult for us.

I do want to say, I see a lot of progress and push from the Deputy Directors. I've seen their e-mails to HR, but HR too is dealing with a lot more than just LCU's hiring, they're pretty well overwhelmed right now with all the other employees and the issues that they're going through during COVID-19. We're doing really well considering the environment, but it will impact our goals to complete vacancies by the end of the Fiscal Year. Next slide.

This is also tied to our strategic business plan result for filling vacancies. The easy to fill positions have been filled thus excuse the data presented here. The hard to fill positions still present an issue for us. We actually spoke and had a good conversation with Suzanne to start up our media outreach regarding job



opportunities at LCU and start that media campaign again. She actually had a really great idea to reach out to maybe the oil and gas communities that are being impacted now by the oil and gas production decline; we may be able to find those specialty positions. Obviously, we want to reach out to our community first and make sure we get as many Las Cruces employed as possible, but then if we do still need those specialty positions we have that option of moving into those oil and gas production markets. Next slide.

I wanted to emphasize as I promised last month how much we have hired; we've actually filled 32 positions since July 1st. That just demonstrates to you that we are making progress, but we are a large organization and with retirements and other issues that we're facing, we're going to see that turn on the turnover and again, we are a highly specialized unit as well as our employees.

I do want to share there is a new layer to the hiring process. The City Manager has created a hiring review committee. As you know the City is facing some potential shortfalls in GRT (Gross Receipts Tax), which is going to affect the City's general fund, therefore there's a new hiring committee that will actually review all hiring requests and recommend approval or disapproval for each vacancy to move forward. We have talked to our Assistant City Manager regarding this process and he understands that Utilities is different. We are an enterprise fund. We will not be impacted by the GRT declines that the general fund will be facing. They understand the fact that we've been at a 15% vacancy rate anyway and still need our processes to keep moving forward.

That said, I do want to emphasize, and I'll talk about it a little bit more later in the COVID presentation. We've been at full operations through this entire event. We've had to have all our people working to keep up and keep the Utility running. I do want to let you know the apprentice and internship programs are delayed right now. I have met with Lydia in HR she's our Career Development Coordinator and she is working with the DACC (Dona Ana Community College) and with LCPS (Las Cruces Public Schools), they have an ACES (Academic Career Experience) program, which is a trades program. Actually one of our intern applicants is coming out of the ACES program. The idea is we want to start training those in the ACES program in high school so they choose to pursue those trade careers at Doña Ana Community College and roll into our future internship program. Again everything is delayed based on the current situation. Next slide.

This slide, I'll go through briefly because I owe you a lot, but a lot of that is just dependent on the fact that we're managing the COVID situation within our Utility, and really a lot of what I can do to move forward I need the HR coordinator position and I'm still waiting on a job description from the PAQ



(Position Analyst Questionnaire). Until I get that filled there's a lot of initiatives that we have ready but I can't pursue until I have that extra body. Next slide.

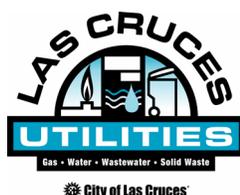
Let's talk a little bit about Incident Management for COVID-19 in LCU. As you know, we've already remitted our Continuity of Operations Plan. Part of that plan was we still remain 100% functional. We're not sending staff home. We're not running on half crews. We are running with full crews.

Our lines of business have already developed their Operational Summaries as well as Operational Threat Levels. We haven't reached any of those at this time. I am providing weekly updates of what we call a SitRep to the City Manager and LCU Board, so every Friday I'll give you a little snapshot of where we are and what issues we have. What I do in that report also is identify any management decisions we may need or issues that we think are coming up. We continue to comply with the Family's First Coronavirus Response Act. I'm really excited, our staff is doing a great job tracking our PPE (Personal Protective Equipment) to ensure adequate supply as well as getting us ready for when we do resume normal operations. We still have that material available. Next slide.

We are averaging about eight associates per week that are out for either quarantine, extraordinary leave, or emergency paid sick leave. I know we will have some adjustments with school officially out for the LCPS (Las Cruces Public Schools) as of May 21st. The Families First Coronavirus Response Act allows employees extra medical leave or FMLA (Family and Medical Leave Act) leave to deal with children whose school has been canceled. However, as of May 21st that's no longer an issue because school is officially over. We know we are still going to have to work with our employees to work with childcare as youth programs slowly open up, as well as childcare centers.

We submitted a return to work plan to the City Manager's office which was approved today. We've got that posted on our Utility SharePoint site for employees. I know the ACM (Assistant City Manager) has posted it on the City Manager website. What this does is simply outlines how we're going to return to work while being compliant with the Governor's orders. So as the Department of Health orders are modified, we've modified our plans.

I don't know if you attended last week's press conference, but we were initially going to open up to 50% capacity for offices. That was lowered to 25% capacity starting Saturday. We've adjusted our plan, meaning we're pretty much going to still operate at our current capacity. Essentially to us, it translates to maybe one employer in the entire administration building can come back to work. We're simply going to be where we are right now.



Part of that plan also includes what we're going to do for increased sanitization, how we're going to handle common areas, what our gathering levels are going to be. That was shared with all our LCU associates this morning. Once it was approved by City Manager we put that in their hands to start planning for our return to work and hopefully some normalization in the fall.

Our associates are contacted; I send at least one or two e-mails a week to all of our associates just giving them informational updates, resources that may be available through the City, changes that are coming that may impact them and their families. We're really trying to keep them in the know. As you all know what you imagine is always much worse than reality and we want to make sure we keep everybody in reality.

We did have one confirmed case in one of our lines of business at the end of April. All the employees who were around that individual were tested and our isolation procedures were reinforced. Essentially, what happened is after talking to a supervisor and I did talk to the employee myself. He was non-symptomatic. He and his wife are doing fine. She actually tested negative so that was good news. He had just gone to an essential employee testing event and was called back and told he was positive.

What I did is just interview him on how many people he was in close contact with and what were the common areas he visited. Essentially, we were able to pretty much limit...our distancing practices and our sanitization practices really proved effective in this case because we've only had that one positive case, and that was three weeks ago.

What we're doing has worked in the sense that we're doing the truck-to-truck reporting, their personal vehicle to their work vehicle reporting, so they're not touching the time clock or shared surfaces like doorknobs. Sanitization of all our equipment, our trucks, our shared areas, so those practices really did help and we're able to keep our staff healthy. That was good news. He is doing great. I was able to talk to him a few times during his quarantine and he was feeling great and ready to come back to work as soon as he gets released, so that was good news.

We are continuing our increased sanitization of common areas. Anybody who's in the building, I think we all smell like antiseptic constantly. I'm sure that's true at City Hall. Again, it's important and we saw proof of that when we had a positive test.

One of the issues that we're facing now and I think I put it in last week's SitRep, I know I'm going to have it in this week's SitRep, is we've identified 84 employees today who've already accrued more than 200 hours of annual leave.



According to City policy you can only carry over 240 hours in the calendar year. We already have 60 people who are at 240 hours.

The reason this is important is because we have not been able to approve vacation leave. One, most people don't want to leave because they can't go anywhere or they're staying home with kids. In addition to that, because we've continued to work, our employees are not using the Extraordinary Leave Benefit that other departments have seen.

For example, I like to pick on the library because it's an easy one. It has to close down, you have to send your employees home. They're obviously staying at home with that paid leave while ours are still working. In addition to these 240 hours they already have, many of our employees are going to be entitled to another 15 days of leave. The challenge that presents for us is that by time the travel orders and restrictions are lifted, which we anticipate won't happen until at least July or August; we only have about five months to grant vacation requests.

Our staff, our leadership will be getting together to come up with strategies and maybe set a priority SOP (Standard Operating Procedure) on who gets to take off first. Then of course we will be asking City management to allow our associates to carry over more than the 240 hours. That request is allowable under policy, so we anticipate that's going to happen. I know when I was in Socorro, I pretty much shut down during fall because all my road department went hunting. We cannot do that here. We have to keep our Utility going.

One of the other issues we're facing is the Union has requested a pay differential for the fact that they are still reporting while much of the City is not. We've just advised them that really is a management decision because that's not just about Utilities. You have Public Safety Officers, you have Police Officers, Firefighters, and several people in the City of Las Cruces; they're still reporting. We have to keep our City running. That is a management decision. We've let them know that's something they have to address with HR and with City Management.

What we have let them know is that we've identified funds through salary savings and I've actually listed that in our SitReps also. Should something be proposed or implemented, we support it, and we've already identified the financial means to support it. We're okay on that side.

As the stay at home order is extended, we're having some equity issues again for the extraordinary leave. A lot of departments are still sending half crews home with pay and they've already exceeded the 15 days of pay in extraordinary leave but they're still receiving the benefit. They've exceeded the benefit as outlined by the policy, the 15 days, but they're still getting paid.



Of course again our staff is coming back and saying, "Hey again, we're not equitable. We still have to work. We're here doing what we need to do and we need a balance there."

Again, it's just in our SitRep, that's going to be a management decision. That's not something the Utility can decide. I'll give them, even if they bring it up as an issue, every one of our staff members is doing whatever they can to make sure that we're covered in every aspect of the Utility. Do you have any questions? That's it for me on the report.

Carmichael: This is Carmichael, I have a comment and a question. Comment, going back to your information on the hiring review committee. I understand what you said about understanding the uniqueness of the requirements of the Utility Department, but that would appear to me to be just another administrative step in the process of hiring that I think we need to be very conscious of. We're trying to go the other direction and shorten that loop and have objectives, accordingly. I don't know how often this review committee plans to meet, but I think we've got to be very careful about that and any comments you have about that I would appreciate.

The question then deals with what you're talking about on the Extraordinary Leave 15-day and the pay differential. That's been on the situation report and it seems to me like it's been discussed several times over the last two months. My question is, when do we expect a resolution from management on those subjects; is that going to have the biggest impact on the Utility Department? Thank you.

Walsh: Thank you. Mr. Chair, Commissioner Carmichael. Regarding the hiring committee. I think what's going to happen thus far is the OAS (Office Assistant Seniors) is the only one that we've been impacted for and most of our open positions are already in the pipeline.

ACM (Acting City Manager) Dollahon did assure us, he's one of the members of the committee, that when we push through Utilities that he understands our needs and the fact that we are not GRT (Gross Receipts Tax) dependent. It helps that we have somebody, as well as Leeann, Leeann Demouche, our budget officer. She also worked for the Utility. I think they have a pretty good handle on pushing our position requests through. However, you're correct, it is another administrative layer which causes more delay in what we have to wait for moving forward; just having that checkbox.

Maestas: Delilah, this is David Maestas, Interim City Manager. If you don't mind, I can help address that.

Walsh: Please.



Maestas: You bet. I had my hand raised. I don't know the host is and I was hoping they would see my hand raised. Anyways I'll jump in on that. Actually, all of the Utility positions that did have vacancies or did have position reviews taking place have all been approved. Nothing's been held back on those. There is no delay.

The way the process works is a department can begin working on their hiring process, they can put it in what we call a requisition and that's the first step, That let's HR know that you want to fill a position. We've actually start to look at and review these positions even before we get to that place.

HR has looked at all the vacancies, put a list together, and we started analyzing those as part of the committee even before the department has gotten started, in some instances. We have already identified which positions are going to be put on hold and which will move forward. That takes place before the process is even started. There isn't any administrative delay by having this step in place. All we're doing is trying to assure that after we find out what the deficiencies might be in the GRT or in funding and revenue sources, that we have availability to talk about which positions might allow us savings to help combat those revenue shortfalls that we have. I hope that helps answer your question.

Chair Little: Okay. Thank you.

Walsh: Mr. Chair. If I could address Commissioner Carmichael's second question. Regarding the differential pay as well as the equality issues, I think a lot of the delay is simply a budget variation because whatever management decides— yes, the Utility has salary savings, but as David just mentioned, he has to deal with the GRT revenue shortfalls for the entire City. They're going to have to have a really good measurement of how any policy would impact the budget. I think that's most of the delay and David you can correct me if that's wrong.

Maestas: You bet. Thank you, Delilah. I appreciate you getting going on that part too. The other thing that we have to look at is we have to look at what's allowed by policy and by code. Let's say we were to enact a differential pay right now and add it to a person's base salary. Well once the public health emergency is over and done with do we go back to that person and tell them we're going to deduct your base salary now and take you back to the point to where you were before the public health emergency, most employees aren't really going to like to see that happen obviously. If we leave it at their base salary, well then they're going to continue to receive this differential pay for the rest of their career with the City but we're no longer in the public health emergency. Unfortunately like a lot of things we would like to see them move a little quicker



but there are a lot of rules and regulations that we have to make sure that we're following.

The other thing that we can't do is we can't have back pay in place. We need to look at how we can, we have the potential to offer a differential but we have to make sure that all the rules are met. We are getting pretty close. We have identified a program that we might have available, a process that we might be able to do, so we hope to have a final decision coming forward shortly. Ultimately as Delilah pointed out based on the work that we do and the community that we have in place and the services that we have to provide especially to our vulnerable populations; we have to work and that's what we're doing. We'll continue to do that to the best of our abilities and if we can compensate we will, that's what we want to do, that's our primary focus. We need to make sure that we do that within regulations. Thank you.

Chair Little: Okay now Commissioner Bencomo.

Bencomo: Thank you Mr. Chair. Thanks so much for that info. Delilah. I just have a couple questions. Are Utility staff some of these essential workers on the field are you having folks take advantage of the testing that's available?

Walsh: Chair Little, Commissioner Bencomo. Yes, absolutely. That's part of our weekly notifications. We send them the number to make the appointments at Department of Health. I'm actually working with DOH (Department of Health) right now and seeing if we can set up anything at the Utility because it's really difficult for our staff to just fit in within those regular limited hours. I haven't heard back yet but it is something that we're pursuing in order to comply with a Governor's directive to get everybody tested.

Bencomo: That's really great. I'm glad you reached out to them for that. I'm definitely happy to bring that up. We have a special Council meeting tomorrow and I think there's some DOH representatives and I'm happy to bring that up as well.

Walsh: That'd be great.

Bencomo: Then I did make a note here about the 84 employees. I think it's important. I don't know if David has a note on that but I do think it's important that we come up with some policies regarding that as we move out of the Fiscal Year and out of staying at home orders and just ensure that it's just and fair that people get to keep as many of their hours as possible.

Walsh: Absolutely. Mr. Chair, Commissioner Bencomo. I know City policy does allow for that. Of course David's got a lot of decisions to make coming up.



Bencomo: Yes.

Maestas: Mr. Chair and Commissioner Bencomo. Yes, we definitely want to make sure that we make it as fair and equitable as possible. As Delilah mentioned I do have the luxury to be able to waive those maximum allowable limits that we have. I will definitely be looking at how we can do that. Again making sure that we're fair and equitable to the people that did have time off and to those who didn't and were still working. Also making sure that we can cover the liability and the risk associated with that. The more hours that you carry over obviously the bigger liability that the City has from a financial standpoint but we want to make sure that we can be as fair and equitable as possible. Thank you for bringing that forward.

Bencomo: Yes, thank you David. I really appreciate that. I mean I was just talking to my own staff about this the other day about like why would we want to take time off right now we're stuck at home so that just doesn't seem great. Then lastly I wanted to ask about have you been getting a lot of sort of concerns from staff who have small children. I know obviously this is an issue regardless right because school would be out anyway but there are significantly less services out there like Boys and Girls Club, like some things will just not be open that regularly are to help working parents with their children and you are the biggest department so have you been hearing a lot of concerns regarding that?

Walsh: Mr. Chair, Commissioner Bencomo. What's interesting is because we've been flexible with our scheduling as well as rotating crews we're not denying time off, I want to make sure that's expressed. If somebody needs time off we're still granting it. We're just making sure we don't have 10 people in the same section taking time off. A lot of our associates have already made that balance with their families and worked with their supervisors and really the key to all this is the flexibility. Our supervisors have been great to provide that flexibility. We've already given them the authorization to do shift differential so if you want to do a shift from 5:00 a.m. to 2:00 p.m. that's absolutely an option. We've left that up to our supervisors. We haven't seen too much of a push or too much of a concern that's been expressed simply because we've allowed the flexibility. We do have a few associates who are caring for either aging parents or very young children and we're having to work with them because they have to be out, they don't have options. I'll share an example; we have one associate who is taking Extraordinary Leave because his parents have to work extra jobs in order to make up income from a layoff and there's nobody to watch the baby brother at home. We've had to work with him and let him know, yes you can have off and we'll do that. For the most part our associates have been able to make that balance through flexibility. We're just going to have to work on the ones that need to be home, and that's why we've identified those operational threat levels. We know at what point do we have to combine crews, at what point do we have to change some of our service demands, and



so far we're not there yet which has been a blessing in itself. Thus far we haven't seen too much of an impact.

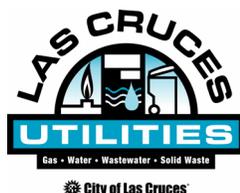
Bencomo: Okay. Thank you for sharing that. That gives some perspective for sure. I appreciate that Delilah. Thank you Mr. Chair.

Chair Little: Okay. Thank you. What's next?

Dr. Garcia: Mr. Chairman. No changes on Texas v. New Mexico, but I'd like to just bring up the Consent Decree was filed on April 16th. The comment period is April 22nd to May 22nd. We will be providing a link to the Board like I mentioned earlier so that you can peruse the document if you want to. Basically this settlement is with the Federal agencies. It has nothing to do with a couple of the remaining private businesses. Basically it is posted again from April 22nd to May 22nd. It does resolve all of the litigation with the National Guard basically and gets EPA (Environmental Protection Agency) off our back and also DOJ (Department of Justice) is also a signatory to that particular settlement.

Basically this settlement makes us fully responsible for the cleanup. It does show all of the past costs, approximately \$9 million, that was the original number. We've agreed to perform the remedial action which is the cleanup in accordance to the Statement of Work. I had reported to the Board that the Statement of Work which is a technical part of the document was the easy part to agree with, with EPA and the Department of Justice. The hard part was the legal aspects in the Consent Decree. Basically the financial terms, we reduced the past costs from \$9 million to \$2 million. There is a split on all the costs including this past cost between the joint Superfund project which is a City and County of 57% and the National Guard 43%. That split is throughout. The Federal defendants will also pay 43% of past cost. The past costs that qualify are about \$4.8 million. Unfortunately, a lot of the legal fees don't qualify, so the only past costs are about \$4.88 million. That gets us about \$2.1 million back. The Federal defendants, meaning the federal guard will pay also 43% towards future costs which are estimated about \$8.5 million remaining, and that's another \$3.6 million that we're getting back.

Basically in addition to that we got what is called an 8% cash out premium, in other words they are giving us 8% of those future costs, an additional \$292,000.00. That is the National Guard is giving that because they want out of this for the future, so they gave us an incremental increase of 8% on those costs. We will have future response cost of about \$144,000.00 annually and that's included in those \$8.5 million of costs, that's all inclusive. There's going to be some annual costs that are up \$144,000.00. That is for EPA to review the documents, the reports show up here to audit the system etc., etc. There's going to be some interim response costs that are also split 57%/43%.



The final slide really summarizes this but basically we will get from the Feds approximately \$6.39 million and we will have to pay out initially \$1.26 out of that and that's going to be in June, it's an initial payment out. We will start our future in terms of the cleanup with approximately \$4.3 million. We think it's a good solution. The funding will have to come from the Environmental Gross Receipts Tax from City and County. If you think about it we need an additional, if we do all of the capital costs that are projected in those \$8.4 million, you would have over a 10 year period an additional \$800,000.00 a year or \$400,000.00 each City and County. It's not it is a good deal. It's not perfect but it brings up a lot of money up front and it takes all of the past costs or most of the past costs, \$7 million of it that EPA wanted to collect really badly. I think our attorneys are paid by the insurance company did an excellent job and we work very hard to get some settlement that that we could live with. As we move forward and after you all review the document when we provide you a link you may have more questions and I can address those at the next Board meeting. That's it for now. And we're very glad that we're here. There's two other private companies that are name that the City and County has sued them to bring them into this litigation. There's two properties remaining. We think there's some liability there. We don't know what those settlements, hopefully there will be settlements and we will not go to trial, so we may bring additional funds. It's not going to be a large amount of money, they're local businesses but there's evidence that there was pollution in their properties as well. That is still to come, it's still in court and we don't have any details on that. By the way that part of the lawsuit still stayed till about the next week or so and then we will resume the dealings with those private companies. With that I'll be open for questions.

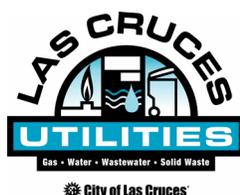
Chair Little: Thank you. Questions?

Carmichael: This is Carmichael. Dr. Garcia. Can you give an example of what some of the past and future EPA costs were, what that was for?

Dr. Garcia: Mr. Chairman. The future costs are those \$144,000.00 a year that I mentioned.

Carmichael: Right.

Dr. Garcia: That's a known quantity and it's an up to that amount, so we will have details provided to us on that. The \$9 million cost goes back to approximately to 2001. In 1996 we encounter the pollution and it was the Environment Department involved. EPA came in on or about late 2000, 2001. They accumulated all those past costs, all the engineering, all of the trips, all of the monitoring wells, and all of the staff time, they documented every single piece of cost from day one for about 20 years and we are at \$9 million. It was critical for us to negotiate that out.



Carmichael: Great. Thank you.

Chair Little: Okay. Anything else?

Dr. Garcia: Well I don't know. Like I say Mr. Chairman I'll be glad to answer questions as we move forward. After you review the document there may be more questions.

Chair Little: Okay. It takes a peculiar mindset to want to read the Federal Register. We'll see. Any other questions now?

Dr. Garcia: We can go to the next item Mr. Chairman.

Chair Little: Please.

Dr. Garcia: Mr. Chairman you requested, we have three board candidates, you requested since we have three candidates that meet the qualifications you wanted to have Board discussion. We put it in the Administrator Report. We could have had this on Board Discussion but it is up to you. You all have access to three resumes of three citizens that would fill Mr. Baumgarn's position. The Board can only recommend. We'll send a memo to the Mayor who appoints with advice and consent of the City Council. With that I'll leave it up to you.

Chair Little: Okay. All the Board Members here have had an opportunity to look at the qualifications of the three volunteers. I will suggest that Mr. Hardee is a suitable candidate to recommend but I'm looking forward to hearing from the other Board Members as to their review of those qualifications of those three people. Silence. Go ahead.

Archuleta: Yes, I reviewed all three and I think all three are good candidates. When you look at our business, you know our business is primarily in the engineering and financial business, primarily. Those are the two strong areas based on budgets, just based on emphasis, based on policy. Where we need help is in engineering and finance, so of the three I thought Mr. Hardee was the one that probably was the strongest in that particular area, it would be a good fit.

Chair Little: Okay. Any other comments from any of the other Board Members? Okay without objection then from the Board I will ask the Utilities Department to recommend Harry Hardee as a candidate for the Mayor to appoint. Okay now we're now we're into projects.

Dr. Garcia: Yes. Mr. Clark.



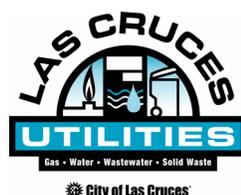
Clark:

Thank you Chairman. This is Carl Clark, Deputy Director Environmental and Technical Support. I have the three projects listed there for you. I'm going to be brief with these since we have limited access to each other. The three projects Sandhill Sewer Interceptor Phase 1, The Pre-1965 Foothills Landfill Excavation, and the Talavera 8-Inch Steel High Pressure Gas Extension.

The Sandhill Sewer Interceptor Phase 1. I've been letting the Board know the progress of this project. The interceptor line is completely installed. There was a final inspection held a week or two ago. There are some punch list items. The remaining work to be done is the seeding of the disturbed areas which we actually increased for this project, and then the punch list items that the contractor has to do. I believe I was told by my staff that they'll begin on this project next week or so after the seeding subcontractor comes in. I'll just skip past this and go on to the next project.

The Pre-1965 Foothills Landfill Excavation. This project is progressing smoothly. We actually are in suspension right now. We actually shifted over and we got approval from the Environment Department to use what they call a flip screen. This flip screen is tied to one of the frontend loaders. The reason we brought this in is because we moved in over 1,000 trucks already out at that location. We were pretty heavy on those trucks going through the scales across the South Central Solid Waste, and so we're paying for those tipping fees. We don't like paying the tipping fees for mostly sand because that's what we're finding a lot of is a limited amount of waste but a lot of sand. We went over to this flip screen and we're screening it down now. Initial estimates we'll know probably by Friday what the weights on each truck are going to be, but we're talking about 10% of the weight that we were hauling across their scales. We don't have a problem with that, we like to pay him for trash only and not dirt. As I said it's in suspension right now, we're screening out materials, and really the suspension is in regards to the hauling efforts. We're negotiating with the hauler right now because we are going to cut down the number of trucks with the limited amount of trash that we're coming up with out there at that location. Since we are in suspension it may affect the schedule that you see right on the screen right now, but we hope it doesn't extend the project too far. We think with this new change we're going to save a large amount of the budget. We're going to continue forward to clean this this up. Okay.

The Talavera 8-Inch High Pressure Gas Extension is the next project. That project is complete with the assistance of Gas, they've already completed the rec station out at that location and they are actually moving on to tying in customers. I believe we may have another site, well to this site, basically they've energized the low pressure gas line that's on Dripping Springs Road itself, that's full of low pressure gas right now going through the rec station and it's available for customers. They've actually started purging the line that we installed which was the very first project on Soledad Canyon. That's being



purged and it's purged out to where the intersection is where the fire station is. I don't know if you all are familiar with Talavera area but there's a 90 degree bend on Soledad and they're purged out to there. They've actually started running gas line into Talavera Avenue which is another street with a lot of new homes in there, and we have stub outs right to the lot locations. The customer is actually going to be coming in paying for his meter and then he'll be tied into the gas line. We have three large homes that are coming online quickly on this project, plus we've identified some other homes that are on stub outs on Soledad that once we purge that section those people will be contacted and they'll have gas available to their house. Any questions in regards to this project? That's all I have for the projects update.

Chair Little: Okay any questions?

Dr. Garcia: We're ready for resolutions Mr. Chairman.

6. Resolutions for Discussion:

6a. Resolution 19-20-124:

Chair Little: All right go ahead with resolutions. First resolution is Resolution 19-20-124: A Resolution Awarding a Construction Contract for the Talavera Low Pressure Gas Distribution Network - Phase 3A, Project No. 19-20-124 to SmithCo Construction, Inc., of Caballo, New Mexico, for a Total Contract Amount of \$3,060,433.60.

Sorg: Move to approve.

Chair Little: Thank you. A second.

Baumgarn: Second.

Chair Little: Okay that was Sorg and who?

Baumgarn: Baumgarn.

Chair Little: Thank you. Discussion.

Dr. Garcia: Mr. Chairman. If I may start. We have two presentations today on this item. I wanted Joe Provencio who was involved with myself and others in some of the history of why we are in that area. I think it's important, there's been lots of questions and some comments made as to how we got there behind A Mountain, and I think for the Board Members that we're not here back then and Councilors, it would be good to explain how the City Gas Utility became a Regional Gas Utility and replaced some of the service territory of Rio Grande Natural Gas Association. I'll have Joe start and then Carl, and then I can



answer any other historical questions on this matter. With that Joe can you start please.

Sorg: Mr. Chairman.

Chair Little: Commissioner Sorg. Go ahead.

Sorg: Just for information. I was on the Rio Grande Natural Gas Association Board of Directors when it dissolved.

Chair Little: Thank you.

Dr. Garcia: He was a new Councilor I believe.

Provencio: Okay. Commissioners. Jose Provencio, Deputy Director of Business Services. I'll walk you through the evolution, the inception, and the evolution of the Rio Grande Natural Gas Association that began in 1969. Key point here, it was a nonprofit and intercommunity natural gas association. The co-owners were the Village of Hatch, of course the City of Las Cruces. There were several formalization types of resolutions that were passed in 2005 that affirmed that the two owners own the assets jointly and in shares. In June 2008, the owners appointed a task force to start looking at the recommended reorganization alternatives for the Association. Moving to the next slide will provide the ultimate timeline or the event in July 2010 that finally reorganized the Gas Association and firmly defined the Requirements of Responsibilities and Obligations or Natural Gas Service and its service area with the resolution or the reorganization of the Association. The three main points there is that the City acquired the Association's customers that were within City limits and it expanded the City to be the provider with a newly annexed East Mesa and West Mesa areas. Now these are areas of high potential growth, economic activity, and economic development. These were the two areas that were appointed to the City. The final one which established the footprint beyond the City limits was the Extraterritorial Zone in and around the existing City limits. These actions firmly establish the requirements in terms of the area which is presented in slide 28 you can visually see what the footprints of the obligation to serve and provide natural gas was for the City and of course the responsibility handed off to the Utilities Department. With that I'll hand it off to Carl to continue the presentation.

Clark: Chairman, Commissioners. This is Carl Clark once again, Deputy Director Environmental Technical Support. Just a little history, we got to this point number one back in March 2015. We had many calls from that area asking when the City was going to begin serving that area. Then we finally got the call from Zia Gas that said, "Hey do you guys want to serve that area? If not we'd love to take it over." At that time we moved forward, said, "No, we want



to serve this area." We began surveying that area. We sent out letters to all the 960 parcels out there. You've seen this map before. The green are the parcels that said yes they want gas or they're interested, the parcels in red said no, not interested, and yellow are the not checked. Somehow we got stuff back and we couldn't make contact with them. It was established that because of the number of yeses we wanted to move forward. We moved forward quickly and as you recall the County moved on their new roadway down Soledad Canyon and so we jumped ahead and we put in the low pressure gas so that way we didn't have to disturb the pavement. Then we moved on to this last project that I just briefed you on which was the high pressure gas line extension. Then now we get into where we're at now. Basically it was we got into this because of the request for gas service out there.

I do want to let the Board know that there is a High Pressure Natural Gas Master Plan that was completed in 2013 by Bohannon Houston. The Board has seen this or at least the Board that was here at that time has seen this master plan. In that master plan that we talked about our future high pressure gas lines. Those high pressure gas lines, it's a little difficult to see but they're the green lines there. You can see that they're covering mostly the east side of the City. There's a 12-inch gas line that runs north/south. That 12-inch gas line is the one that this current gas line can tie into. You can see on the lower portion the green line that goes east/west, that's the line we built. It's part of the High Pressure Gas Master Plan. We were going to build that line anyways as part of our future growth and demand. One thing I do want to point out is that loop is needed for that 12-inch high pressure gas line to ensure that we can maintain service. As you see up on the very upper right we have a long red dash gas line that's to NASA. They are a big user of our system. We need some way of having a second support or redundancy in our system to ensure we can deliver to NASA. They have a lot of projects. They are a big employer in the City. They recently, and you're aware that they want to expand the gas line size. They're actually asking for more BTUs (British Thermal Units) and more demand on our system. We're preparing and progressing towards that. We are working on a new master plan. I'll be selecting a consultant here soon, actually it's multiple consultants, to update this plan and to show more of its relation to Elevate Las Cruces. That's what I want to let you know in regards to high pressure side. It was going to be completed anyways not only because of Talavera but because of future growth and line expansions that we have planned.

Then we get into the actual project. Project 3A, I have this split into two projects. It's designed in two projects. Project 3A is the first project. That's the one in front of you right now. That's in green now on the left. Then you can see the one in red, Project 3B. The one in green mostly entails the developed subdivisions, the ones that are fully paved out and curb and gutter. That's Oregon Mesas and Desert Mirage sections, and then some that are in the under

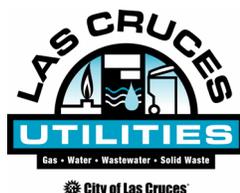


unpaved areas. You can see the gas line that runs east/west. That's in this project as well.

The line that I was telling you about earlier is on Talavera that currently gas operations has extended the stub out off of Soledad and we have customers already ready. I do want to let you know that I get calls all the time and every day there's a Ms. Fregol called me a while back and is anxious for this gas line. She's a new transplant. She came from Washington, DC. She finally retired. This is a retirement home. Her gas bill for the month of January was \$800, her propane bill. Her propane bill for the month of February was \$800. Her propane bill for the month of March was \$500 as she explained to me. She wants to know when she's going to get gas because she's going to jump on. As you are aware this project, the construction costs were presented to the public out there. Those numbers are actually, and I have them right here, our original estimates that we had, there was approximately \$5,400.00 in construction fees that they would have to pay, but they do get the line extension credit which is a \$1,400.00 credit, so it ends up costing these residents out there approximately \$4,000.00 in construction fees. When they sign up that \$4,000.00 is going to be added to their bill as a as a new customer but they do get an option to extend payments out for 20 years which averages out to about \$40.00 a month. Those with the large homes that are on propane are ready and willing to pay that, they want me to hurry up and I'm doing the best that I can. I've instilled operations to start extending these lines to help these customers and get them off of propane and get them on to natural gas which is going to be eight to ten times cheaper than what they're paying for propane. I just wanted to mention that as well. There's also a parcel down there that I included, and Dr. Garcia can answer to that one.

Dr. Garcia: Mr. Chairman. I asked Carl to map the parcel that I disclosed back in 2015, and I'm disclosing it again. It's in the next phase but even when the second phase is built, I'm disclosing today again that I've owned that parcel since 1997. I checked it this morning.

Clark: Dr. Garcia let you all know and disclosed again, but the real thing is this project, so there's approximately 61,000 feet of 2-inch low pressure gas line that's going to be installed, 14,000 feet of 4-inch gas line that's going to be installed, and 2,300 feet of 3/4- inch low pressure line. That that may be moving depending on where the customers want their meter. We did have four bidders. SmithCo was the low bidder on this project. They were actually the contractor that installed the 4-inch gas line under Soledad Canyon. They went after the project again. They like doing gas work with us. Therefore the engineers provided the bid tab and all the numbers were correct, and so basically I'm recommending to the Board that we move forward with this project. Any questions?



Chair Little: Comments or questions?

Carmichael: Carl, this is Carmichael. Were you surprised any at the difference in the bid from the engineering estimate? Engineering the actual bid was quite a bit higher than engineering estimate.

Clark: Yes. Chairman, Commissioner Carmichael. Yes there is a difference. The engineer was more likely using some of the bid items that he previously had before, but it was a while since we issued that last project out. I think the largest cost that you're going to see here is the contractors are a little leery in regards to how much landscaping they're going to have to repair in these developed areas. Remember there's asphalt in there, and so the County didn't want us cutting any of the asphalt. Out there in those locations the right-of-way that the County owns is about 12 feet into what we would normally see over here as private property site. They told us, "No you get into the right-of-way outside of our pavement," and so unfortunately a lot of the property owners out there landscaped all the way up to the curb and gutter so we're going to have to remove and replace landscaping materials. That's a lot of the cost, and the contractor being been unsure as to how much are we going to force him to put back. We're going to videotape this whole area. I'm going to have one-on-one meetings with each neighborhood there so we can talk about their landscape and get the contractor included with them and start talking about the issues and giving the contractor heads up as to what's out there. Then develop that relationship between the property owners and the contractor so that way we can get through this project and get it completed and leave the property owners happy with the work and us not have to receive phone calls in regards to landscaping. I think there's a fear because of that.

Carmichael: Thanks.

Chair Little: Okay. Commissioner Bencomo, then Commissioner Sorg.

Bencomo: Thank you Mr. Chair. Thank you for the presentation. That was super helpful to understand the context of it for a new person on the Board. Immediately I was like wait, what, this County right, like this is not in the City limits, this is County. I appreciated that. I guess my question is sort of around that how are we working with the County on this and you just touched on that a little bit but just help me understand, sort of clarify how that's all working.

Clark: Excellent question Commissioner Bencomo. We work with County every step of the way. They review our contracts and our documents. They've reviewed the 30%, 60%, 90% and 100%. Basically we have a franchise agreement with the County right now and so our obligation is to let them review. They will get us a permit. We don't pay for that permit, we paid for the franchise agreement. Then we receive the permits and we move forward with construction. I met



with Rene Molina several times out in the area as well as some of the heads of the subdivisions out there. We talked about cutting the road and getting into the landscape area and the Curry's live out there. They kind of brought everybody together and I can really appreciate their efforts. They helped out and a lot of the residents showed up and we talked about big issues out there. Yes, the County was included in every step of the way, and so we're expecting our permits to be turned over to us. I do have to send an agreement over to them because they are going to allow us to cut the chip seal road, that's in Desert Mirage. I don't have access to the cursors and stuff but it's kind of the centipede looking one on the upper.

Bencomo: Yes.

Clark: Dripping Springs. I'll be getting to cut in there across the intersection and stuff. I did agree it was cheaper for me to cut that instead of boring. I agreed with them that we would end up giving them the money back to go back and re-chip that road after we leave. We'll patch it, they'll come back and their own forces will re-chip it. They gave me a really great price so we agreed on that cost. I just need to file up the paperwork and then I'll have my permits in my hand and we can move forward. You can see I've worked with County roads, the engineering side, and actually I worked with the County Commissioner Reynolds is out there as well. He's been included in all my meetings. I've been to a couple of his evening meetings with the association. Yes, we've communicated a lot with the County.

Bencomo: Great. That's great to hear. Then with your previous map, the ones that had said yes, the ones that had said no, how do you navigate the ripping up of roads and things like that with some of the folks that said no?

Clark: We had those kind of conversations and a lot of them were understanding that they didn't want to stop us from serving their neighbors. They understood that, and so their situations, in particular Organ Mesa, we're going on both sides of the road to serve somebody and they understood that. Actually they were very open to that. I didn't get a lot of pushback or anything in regards to that. We told them that we need to get your neighbor and they understood

Bencomo: Great. Thank you so much for that.

Clark: You're welcome.

Chair Little: Okay. Commissioner Sorg.

Sorg: Thank you Mr. Chair. Thank you Carl for all that information, so much. I have a question about energy and carbon footprint. We all know that natural gas has a much lower carbon footprint than gasoline, petroleum, but is anybody



on the staff or on the Commission know the difference between natural gas and propane on which has the greater carbon footprint?

Clark: Chairman, Commissioner. I don't have that answer. I know that Lucio Garcia, I'm not sure if he's with us or not, he's looked at that pretty extensively as well. I think carbon footprint-wise they're probably pretty close to each other. I can't give you the direct answer as to what it is.

Sorg: That's okay.

Clark: There is a difference.

Sorg: just wondering if somebody knew.

Clark: Transportation of the fuel itself is the savings and carbon footprint.

Sorg: Yes.

Clark: No longer trucking that fuel.

Sorg: That's a big savings there for sure. Yes.

Clark: Yes, that's a huge carbon relief. I mean being able to pipe it to someplace saves you a bunch on spent carbons to get it to somebody to use.

Sorg: Yes. Okay. Just wanted to mention that in our Sustainability Plan and our greenhouse gas inventories and stuff, natural gas is a part of it. However it's way far down the list of parts of our sectors in the economy and then our system for reducing the greenhouse gases. Someday we'll be dealing with it but not very soon. Thank you Mr. Chair.

Chair Little: Let me add to that. The efforts of the Utility, the activities Utility are part of the larger context of the City's sustainability efforts. We need to have a chance to discuss those larger contexts and we will put that off until a more opportune time. We'd like to have a work session but the novel Coronavirus may delay that longer than we want. Any other comments or questions on this resolution? Ready for a vote?

Commissioner Sorg - Aye; Commissioner Baumgarn - Aye; Commissioner Bencomo - Aye; Commissioner Johnson - Aye; Commissioner Carmichael - Aye; Commissioner Archuleta - Aye; and Chair Little - Aye.

The motion was Unanimously Approved 7-0.

6b. Resolution 19-20-LCU018:



Chair Little: The next resolution is Resolution 19-20-LCU018: A Resolution Recommending to the Las Cruces City Council to Authorize the Wright-Off of Uncollectible Utility Accounts Receivable for Fiscal Year 2014 in the Amount of \$384,838.63.

Sorg: Move to approve.

Chair Little: Thank you.

Archuleta: Second

Chair Little: Okay. Discussion.

Dr. Garcia: Mr. Provencio.

Provencio: Jose Provencio, Deputy Director of Services. Resolution 19-20-LCU018 is the annual write off of uncollectible. We as a Utility along in conjunction with Council on their end for uncollectible write-offs do this on an annual basis. The information there provides and presents the progress that we have made and where we're at currently and where we are in the Fiscal Year 2014. This is the recommendation which we'll forward to the Treasury Department who will then take their activities from collectibles, present it to Council for formal adoption and approval. I'll standby for any questions you may have.

One more point. Again this is writing-off uncollectible balances. We still continue to provide all diligent efforts to collecting the uncollectible balances that we encounter with any of our customers. We still continue to make sure that we do all best efforts to collect unpaid bills and unpaid utility balances for the department. I'll stand by for questions.

Johnson: Johnson. Do we have any idea after write-off what sort of percentage we eventually get to collect on these or is that pretty small?

Provencio: Chairman, Commissioner Johnson. After the write-off there will still be continued activity but it's at a very, very small level. I don't have that number. We'd have to look for the activity after the write-off, but what it does address is that this effort continues well after the write-off. I would venture to say that that that value of that balance would be very small.

Johnson: Okay. Thank you.

Provencio: Yes sir.

Chair Little: Other comments or questions? After five years why that bird has flown. Ready for a vote.



Commissioner Sorg - Aye; Commissioner Baumgarn - Aye; Commissioner Bencomo - Aye; Commissioner Johnson - Aye; Commissioner Carmichael - Aye; Commissioner Archuleta - Aye; and Chair Little - Aye.

The motion was Unanimously Approved 7-0.

6c. Resolution 19-20-LCU022:

Chair Little: Next resolution is Resolution 19-20-LCU022: A Resolution Approving the Amended Memorandum of Understanding Between City of Las Cruces and Casa de Peregrinos Assisting in Dispersing Funds for Utility Assistance for City Utilities Customers Who Meet the Eligibility Requirements Established by Las Cruces Utilities. A motion to approve.

Johnson: So moved.

Chair Little: Thank you.

Sorg: Second.

Chair Little: That was Johnson and Bencomo.

Sorg: No Sorg.

Chair Little: Sorg. Sorry.

Sorg: That's okay.

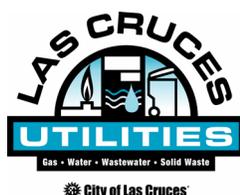
Chair Little: Discussion.

Provencio: Chairman, Commissioners. Again this is Jose Provencio, Deputy Director Business Services. Resolution 19-20-LCU022 is the amended Memorandum of Understanding between the City and Casa de Peregrinos. We brief you on their activity and their assistance every month in terms of providing our customers assistance in paying their utility bill. This amendment MOU just renews the terms and conditions. Casa de Peregrinos works very closely with Billing and Receivables to disperse the funds and assist us with reviewing the eligibility requirements established by the department. A very essential agreement and we're renewing it for the next phase.

Chair Little: Any comments or questions?

Dr. Garcia: If I may Mr. Chairman. Can I add a comment?

Chair Little: Please.



Dr. Garcia: Mr. Provencio can correct me, the advantage of going through CDP (Casa de Peregrinos) is that our customers in need can also have access to other funds and other charitable contributions, others and private sources or churches when we go through CDP so the customer has not only the benefit of what the Council allocates but other potential help.

Chair Little: Thank you. Other comments or questions? Ready for a vote.

Commissioner Sorg - Aye; Commissioner Baumgarn - Aye; Commissioner Bencomo - Aye; Commissioner Johnson - Aye; Commissioner Carmichael - Aye; Commissioner Archuleta - Aye; and Chair Little - Aye.

The motion was Unanimously Approved 7-0.

7. Old Business:

Chair Little: Next item is Old Business.

Dr. Garcia: Mr. Chairman. Staff has a couple of things. Just to brief the board that the Solid Waste Rate Review in front of Council is tabled till July 20th. In the Water/Wastewater Development Fee Allocations that you all saw in work session but we need to take to Council. That's going to be probably a work session in August.

The next item is while recommended the financing of certain capital projects for Fiscal Year 2021 as well as the performance contract with Johnson Controls, you all approved the contract contingent upon Council funding. City Council approved the first read of the ordinance and the application to the Finance Authority at a prior meeting but on Monday we hope the Council approves the ordinance on this final read of that funding so that we would have access to approximately \$13.9 million for Water/Wastewater Capital Improvements and \$9.4 million for the guaranteed performance contract with Johnson Controls. Once the Council approves of course NMFA has to issue the bonds and do the financing, so we will not see the funding till probably late June and then it goes into the City budget sometime in July. That's the plan for now.

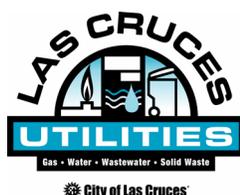
Chair Little: Thank you. Anything else?

Dr. Garcia: That's it from staff on Old Business.

8. New Business:

Chair Little: Okay. New Business.

Dr. Garcia: The only thing I was going to suggest on New Business but Ms. Walsh already talked about the return to work plan but I think the Board should receive a copy of that plan, so we will send it to you so you'll have access to that.



Chair Little: Thank you.

9. Board's General Discussion:

Chair Little: The next item is Board's General Discussion. I'm going to go first. This is Steven Baumgarn's last session as a Board Member. He has served us long and well. It has been both a privilege and a pleasure to work with him. We're going to miss his expertise, his background, his thoughtfulness. Whoever tries to fill those shoes is going to have a real job. We do have a Nambe plaque to present to him. I'll hold it up so that nobody can see it. It says Steven Baumgarn Commissioner November 2012 to May 2020, in appreciation for your service and dedication to the Utilities Department and our citizens, Las Cruces Utilities Board of Commissioners. We will get that delivered to Steve. In the normal course of events of course we would repair to the front lobby for cake, but that won't work today. Again we are sending you our thanks and well wishes. You want to say anything?

Baumgarn: I've enjoyed my time on the Board. It's regrettable that I have to get off the Board, but it was an enjoyable experience. Thank you very much for the opportunity.

Sorg: Thank you Steve. We'll miss you.

Archuleta: Thank you Steve.

Carmichael: Thank you Steve.

Johnson: Thank you.

Bencomo: Thank you.

Chair Little: Okay. Other Board's General Discussion.

**10. Next meeting Date:
a. June 11, 2020**

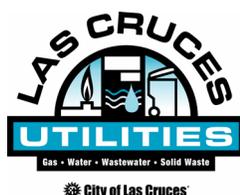
Chair Little: We are looking forward to a meeting in June. The odds are that it will be a Zoom based meeting. I don't think we'll try and have a work session associated with that. We will look forward to an electronic communication June 11th.

11. Adjournment:

Chair Little: I will entertain a motion to adjourn.

Archuleta: So moved.

Chair Little: A second.



Johnson: Second.

Chair Little: All those in favor say aye. Thank you. The meeting is adjourned.

Meeting was adjourned at approximately 4:35 p.m.

William M. Little
Las Cruces Utilities Board Chair

Date

DRAFT

