

**CITY OF LAS VEGAS**  
1700 N. GRAND AVE. LAS VEGAS, NEW MEXICO 87701  
505-454-1401 FAX: 505-425-7335

Mayor Tonita Gurule-Giron

**CITY OF LAS VEGAS**  
**WORK SESSION CITY COUNCIL AGENDA**  
**November 8, 2017–Wednesday– 5:30 p.m.**  
**City Council Chambers**  
**1700 N. Grand Ave**

*(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)*

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **MOMENT OF SILENCE**
- V. **APPROVAL OF AGENDA**
- VI. **PUBLIC INPUT (not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting.)**
- VII. **DISCUSSION ITEMS**

1. Resolution 17-43 Budget Adjustment Resolution.

*Ann Marie Gallegos, Finance Director* The City of Las Vegas is requesting increases to the FY2018 Budgeted revenues, expenditures, transfers to and from within various funds of the FY2018 Budget.

2. Resolution No. 17-40 assigning official representatives and signatory authority for the CWSRF 071 loan agreement with the New Mexico Environment Department.

*Maria Gilvarry, Utilities Director* This resolution is required by the funding agency to assign representatives and signatory authority for the loan agreement.

3. Installation of high speed pumps at the water treatment filter plant.

*Maria Gilvarry, Utilities Director* This project is for the upgrade and replacement of electrical and mechanical components for four high service pumps at the water treatment plant. These new components will bring the system into compliance with current industry standards and allow for continued delivery of fresh drinking water into the distribution system and provide adequate pressure to the City's fire hydrants. The current system is aged and has received little modification since installation in 1978-1980.

4. Publication of Ordinance No. 17-11 to enter into a loan agreement with the New Mexico Environment Department.

*Maria Gilvarry, Utilities Director* This loan is for the purpose of obtaining project loan funding for the Waste Water treatment plant lift stations. The principal loan amount is \$350,000 and the subsidy grant fund amount is \$100,000 for a total funded amount of \$450,000.

5. Publication of Ordinance No. 17-12 Amending Water Conservation Ordinance.

*Maria Gilvarry, Utilities Director* This is a Water Conservation Amendment of Ordinance 440-26. To add small personal food gardens to the exceptions on ordinance.

## VIII. EXECUTIVE SESSION

**THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.**

- A. **Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**
- B. **Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**

**C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

**IX. ADJOURN**

**ATTENTION PERSONS WITH DISABILITES:** The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

**ATTENTION PERSONS ATTENDING COUNCIL MEETING:** By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

**NOTE:** A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 87701

**Work Session**

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 10/23/2017**

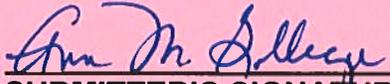
**DEPT: Finance**

**MEETING DATE: 11/08/2017**

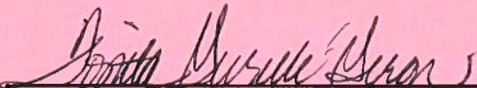
**DISCUSSION ITEM/TOPIC: Resolution #17-43 Budget Adjustment Resolution**

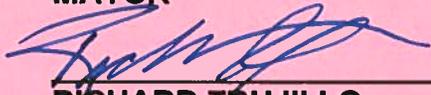
**BACKGROUND/RATIONALE:** The City of Las Vegas is requesting increases to the FY2018 Budgeted revenues, expenditures, transfers to and from within various funds of the FY2018 Budget.

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
\_\_\_\_\_  
**SUBMITTER'S SIGNATURE**

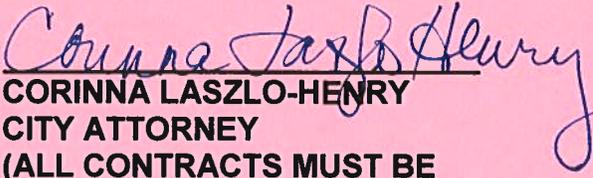
**REVIEWED AND APPROVED BY:**

  
\_\_\_\_\_  
**TONITA GURULE-GIRON  
MAYOR**

  
\_\_\_\_\_  
**RICHARD TRUJILLO  
CITY MANAGER**

\_\_\_\_\_  
**PURCHASING AGENT  
(FOR BID/RFP AWARD)**

\_\_\_\_\_  
**ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)**

  
\_\_\_\_\_  
**CORINNA LASZLO-HENRY  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)**

STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION 17-43  
FISCAL YEAR 2017-2018  
BUDGET ADJUSTMENT REQUEST

**WHEREAS**, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2017-2018; and

**WHEREAS**, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

**WHEREAS**, the City of Las Vegas is in need of making budget adjustments in the 2017-2018 fiscal year budget; to include an increase of \$52,000 for Economic Development, \$5,310 for Veterans Memorial Fund, \$211,750 in Legislative Appropriations for Senior Ctr Vehicles, \$24,750 in Historic Preservation Grant, \$264,490 for Housing Capital Fund Program 2016, \$100,000 for Building Improvements in Street Improvement and \$884,250 in Gas Construction Projects and a decrease of \$25,510 in the Housing Capital Fund Program.

**WHEREAS**, it is the majority opinion of this governing body that the budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2017-2018;

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 15th day of November, 2017.

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\_\_\_\_\_  
Tonita Gurule-Giron, Mayor

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
Corrina Lazlo-Henry, City Attorney

CITY OF LAS VEGAS  
 RESOLUTION #17-43  
 BUDGET ADJUST REQUEST  
 FISCAL YEAR 2018

10/20/2017

Resolution  
 17-43

Fund	Revenues	Transfers	Expenditures	
ECON DEV	207-0000-100-1101 Cash Balance	\$ 52,000.00	\$ -	Use of Cash Balance
ECON DEV	207-0000-780-7305 Professional Serv.	\$ -	\$ 52,000.00	Engineer Serv
VETERAN MEM	284-0000-100-1101 Cash Balance	\$ 5,310.00	\$ -	Use of Cash Balance
VETERAN MEM	284-0000-720-7401 Maint of Bld & Grounds	\$ -	\$ 5,310.00	Maint of Elevator
LEG APPROP	217-0000-430-5447 Senior Ctr Approp	\$ 211,750.00	\$ -	Leg Approp
LEG APPROP	217-0000-780-8057 Senior Ctr Vehicles	\$ -	\$ 211,750.00	Senior Ctr.Vehicles
HIS PRESERV	218-0000-430-5349 Grant Revenue	\$ 24,750.00	\$ -	Add'l Grant Revenues
HIS PRESERV	218-0000-720-8003 Bld/Struct/Land	\$ -	\$ 24,750.00	Window Improvements
CFP2016	676-0000-540-5701 Grant Revenue	\$ 264,490.00	\$ -	Federal Revenue
CFP2016	676-0000-610-7701 Management Improv	\$ -	\$ 10,950.00	Expenditures 2016
CFP2016	676-0000-630-7303 Audit	\$ -	\$ 8,000.00	Expenditures-Audit
CFP2016	676-0000-650-8718 Dwelling Structures	\$ -	\$ 183,440.00	Structure Improvements
CFP2016	676-0000-650-8719 Dwelling Equip	\$ -	\$ 18,000.00	Equipment
CFP2016	676-0000-650-8722 Site Improvements	\$ -	\$ 30,000.00	Site Improvements
CFP2016	676-0000-650-8721 Non-Dwelling Equip	\$ -	\$ 14,100.00	Expenditures-Other Equipment
CFP2016	676-0000-540-5701 Grant Revenue	\$ (25,510.00)	\$ -	Decrease from total grant of
CFP2016	676-0000-630-0000 Grant Expenditures	\$ -	\$ (25,510.00)	\$290,000 Decrease in expend
STREET IMPROV	216-0000-100-1101 Cash Balance	\$ 100,000.00	\$ -	Use of Cash Balance
STREET IMPROV	216-0000-720-8003 Bldings/Struct/Land	\$ -	\$ 100,000.00	Roof Repair
GAS CONST	627-0000-100-1101 Cash Balance	\$ 884,250.00	\$ -	Use of Cash Balance
GAS CONST	627-0000-610-7106 Safety	\$ -	\$ 10,000.00	Address Safety Issues
GAS CONST	627-0000-610-7305 Prof Serv.	\$ -	\$ 150,000.00	Design Master Plan
GAS CONST	627-0000-610-7407 Maint of System	\$ -	\$ 1,750.00	System Maint
GAS CONST	627-0000-610-7525 Equipment<1000	\$ -	\$ 2,500.00	Equip <1000
GAS CONST	627-0000-610-8003 Bld/Struct/Land	\$ -	\$ 25,000.00	Equipment
GAS CONST	627-0000-610-8004 Equipment	\$ -	\$ 200,000.00	Purchase Backhoe
GAS CONST	627-0000-610-8008 System Expansion	\$ -	\$ 210,000.00	line expansion
GAS CONST	627-0000-610-8011 Automatic Meter Reading	\$ -	\$ 50,000.00	upgrade
GAS CONST	627-0000-610-8018 Propane Backup	\$ -	\$ 85,000.00	line replacement
GAS CONST	627-0000-610-8000 Line Replacement	\$ -	\$ 150,000.00	line replacement
<b>Total</b>		<b>\$ 1,517,040.00</b>	<b>\$ -</b>	<b>\$ 1,517,040.00</b>

CITY OF LAS VEGAS  
1700 NORTH GRAND AVE.  
LAS VEGAS, NM 87701  
  
T 505 454 1401  
F 505 425 7335  
LASVEGASNM.GOV  
VISITLASVEGASNM.COM

MEMORANDUM

TONITA GURULÉ-GIRÓN  
MAYOR  
  
DAVID ULIBARRI  
COUNCILOR, WARD 1  
  
VINCE HOWELL  
COUNCILOR, WARD 2  
  
BARBARA PEREA-CASEY  
COUNCILOR, WARD 3  
  
DAVID L. ROMERO  
COUNCILOR, WARD 4

TO:  Ann Marie Gallegos, Finance Director  
FROM:  Veronica Gentry, Public Works Director  
DATE: October 12, 2017  
RE: Fund Increases

I am requesting an increase for the following funds:

Veterans Memorial Center Fund 284 into 7401 Maintenance of Buildings and Grounds, in the amount of \$5,310.00 to pay an invoice for maintenance and repairs to the elevator.

Economic Development Fund 207 into 7305, Other Professional Services, in the amount of \$52,000.00 for the City of Las Vegas Dee Bibb Industrial Park Roadway and Drainage Improvements, for Preliminary Drainage and Road Improvements Analysis Report.





**State of New Mexico  
Purchase Order**

PO Number to be on all Invoices and Correspondence

**CHANGE ORDER**

**Dispatch via Print**

**Department of Cultural Affairs**

407 Galisteo St. Bataan Memorial Bld.  
Suite 264  
Santa Fe NM 87501  
United States

**Vendor:** 0000054343  
CITY OF LAS VEGAS  
1700 N GRAND AVE  
LAS VEGAS NM 87701-0000

<b>Purchase Order</b> 50500-0000034593	<b>Date</b> 07/26/2017	<b>Revision</b> 1 - 08/31/2017	<b>Page</b> 1
<b>Payment Terms</b> Pay Now	<b>Freight Terms</b> FOB Destination		<b>Ship Via</b> Best Way
<b>Buyer</b> Christine V. Vigil	<b>Phone</b> 505\8277836		

**Ship To:** 407 Galisteo St. Bataan Memorial Bld.  
Suite 236  
Santa Fe NM 87501  
United States

**Bill To:** 407 Galisteo St. Bataan Memorial Bld.  
Suite 236  
Santa Fe NM 87501  
United States

**Origin:** EXE **ExclExcl #:** 13-1-98A

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Federal Grant #35-16-141293.025; CFDA #15.904; City of Las Vegas Certified Local Government (CLG) 2016-2017 CLG GRANT - Rehabilitation at E. Romero Hose & Fire Company. TERM: September 30, 2017.		1.00	EA	24,750.00	24,750.00	07/26/2017

50500-19302-7001000000-547400- -701148- - -118-B0000

**Schedule Total** 24,750.00

**Item Total** 24,750.00

HPD contacts: Melinda Wheeler 505 827-4021; Lynniss Jacks 505 827-4259

**Total PO Amount** 24,750.00

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

**Authorized Signature**

STATE OF NEW MEXICO  
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION  
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. GENERAL: When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. VARIATION IN QUANTITY: No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. ASSIGNMENT:
  - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
  - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. STATE FURNISHED PROPERTY: State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. DISCOUNTS: Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. INSPECTION: Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. INSPECTION OF PLANT: The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. COMMERCIAL WARRANTY: The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. TAXES: The unit price shall exclude all State taxes.
10. PACKING, SHIPPING AND INVOICING:
  - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
  - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
  - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. DEFAULT: The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor where obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. NON-COLLUSION: In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. NON-DISCRIMINATION: Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. THE PROCUREMENT CODE: Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. PAYMENT FOR PURCHASES: Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. WORKERS COMPENSATION: The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. PAY EQUITY RECORDING: The Contractor agrees to comply with New Mexico Pay Equity reporting requirements as detailed in Executive Order 2009-049 Implementation Guidance available at <http://www.generalservices.state.nm.us/spd/guidance.pdf>

**City of Las Vegas**  
**Grant: NM02P007501-16 (CFP) Capital Fund Program Housing Fund 676 (Previously 681)**  
**FY 2018**

681 Grant NM02P007501-16 Fund	Budget 2017	Budget 2018
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**Revenues**

540 57-01 Grant Revenue/HUD	332,550	264,490
<b>Total Revenue Budget</b>	<b>332,550</b>	<b>264,490</b>

**Expenditures**

610 74-01 Maint of Bld & Grounds		
610 77-01 Management Improvement	12,500	10,950
610 77-02 Admin/Publications		
610 77-03 Development Activities		
610 77-05 Fees and Costs		

Other Sub-total	12,500	10,950
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630 73-03 Audit	8,000	8,000
630 73-05 Other Professional Serv		
630 77-13 Relocation Costs		

Oth. Oper. Sub-total	8,000	8,000
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650 87-18 Dwelling Structures	183,440	183,440
650 87-19 Dwelling Equip-nonexpend	18,000	18,000
650 87-20 Non Dwelling Structures		
650 87-21 Non Dwelling Equipment	14,100	14,100
650 87-22 Site Improvements	30,000	30,000

Furn. & Equip. Sub-total	245,540	245,540
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<b>Total Exp. Budget</b>	<b>266,040</b>	<b>264,490</b>
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**Transfers**

890 89-10 To 652	(66,510)	
890		

<b>Total Transfer Budget</b>	<b>(66,510)</b>	<b>-</b>
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**Net , Rev.,Exp. & Trfrs.**

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**City of Las Vegas**  
**Grant: NM02P007501-16 (CFP) Capital Fund Program Housing Fund 676 (Previously 681)**  
**FY 2018**

<b>681 Grant NM02P007501-16 Fund</b>	<b>Budget 2017</b>	<b>Budget 2018</b>
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**Revenues**

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630 77-13 Relocation Costs		

Oth. Oper. Sub-total	8,000	8,000
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Furn. & Equip. Sub-total	245,540	245,540
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<b>Total Exp. Budget</b>	<b>266,040</b>	<b>264,490</b>
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**Transfers**

890 89-10 To 652	(66,510)	
890		

<b>Total Transfer Budget</b>	<b>(66,510)</b>	<b>-</b>
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**Net , Rev.,Exp. & Trfrs.**

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Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/23/17

DEPT: Utilities Dept.

MEETING DATE: 11/08/17

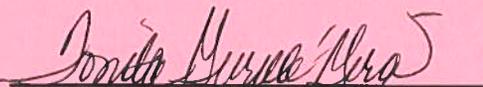
**DISCUSSION ITEM/TOPIC:** Resolution No. 17-40 assigning official representatives and signatory authority for the CWSRF 071 loan agreement with the New Mexico Environment Department.

**BACKGROUND/RATIONALE:** This resolution is required by the funding agency to assign representatives and signatory authority for the loan agreement.

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

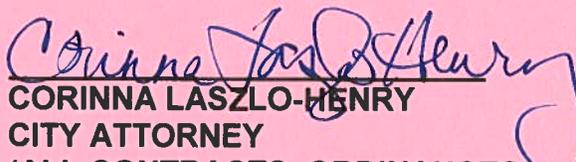
REVIEWED AND APPROVED BY:

  
TONITA GURULE-GIRON  
MAYOR

  
RICHARD TRUJILLO  
CITY MANAGER

\_\_\_\_\_  
PURCHASING AGENT  
(FOR BID/RFP AWARD)

\_\_\_\_\_  
ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)

  
CORINNA LASZLO-HENRY  
CITY ATTORNEY  
(ALL CONTRACTS, ORDINANCES  
AND RESOLUTIONS MUST BE  
REVIEWED)

**CITY OF LAS VEGAS  
RESOLUTION NO. 17-40**

**A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICER(S), SIGNATORY AUTHORITY(S), AND AGENT(S)**

**WHEREAS**, the Governing Body of the City of Las Vegas of San Miguel County of the State of New Mexico shall enter into a loan agreement with the State of New Mexico Environment Department and;

**WHEREAS**, the City Municipal Charter as adopted March 2, 2012 provides for powers and duties of official City representatives related to succession and;

**WHEREAS**, the agreement is identified as Project Number CWSRF 071.

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

Mayor Tonita Gurulé-Girón or her successor is authorized to sign the loan agreement for this project, and

City Manager Richard Trujillo and / or Finance Director Ann Marie Gallegos or successors are the AUTHORIZED OFFICER who are authorized to sign all other documents necessary to fulfill the loan agreement and the promissory note requirements and to act as the project contact, and

City Manager Richard Trujillo and / or Finance Director Ann Marie Gallegos or successors are the SIGNATORY AUTHORITY who are authorized to sign reimbursement requests for this project.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor Tonita Gurulé-Girón

ATTEST:

\_\_\_\_\_  
Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
Corinna Laszlo-Henry, City Attorney

**Project Name** City of Las Vegas

**Project No.** CWSRF 071

<b>Authorized Officer(s)</b>	
Name	Richard Trujillo, City Manager
Title	
Signature	
Address	1700 North Grand Ave. Las Vegas, NM 87701
E-mail	jmoney@ci.las-vegas.nm.us
Phone	505-454-1401
Name	Ann Marie Gallegos, Finance Director
Title	
Signature	
Address	1700 North Grand Ave. Las Vegas, NM 87701
E-mail	amgallegos@ci.las-vegas.nm.us
Phone	505-454-1401
Name	
Title	
Signature	
Address	
E-mail	
Phone	
Name	
Title	
Signature	
Address	
E-mail	
Phone	
Name	
Title	
Signature	
Address	
E-mail	
Phone	

<b>Authorized Agent(s) or Employee(s) for reimbursement requests</b>	
Name	Richard Trujillo, City Manager
Title	
Signature	
Address	1700 North Grand Ave. Las Vegas, NM 87701
E-mail	jmoney@ci.las-vegas.nm.us
Phone	505-454-1401
Name	Ann Marie Gallegos, Finance Director
Title	
Signature	
Address	1700 North Grand Ave. Las Vegas, NM 87701
E-mail	amgallegos@ci.las-vegas.nm.us
Phone	505-454-1401
Name	
Title	
Signature	
Address	
E-mail	
Phone	
Name	
Title	
Signature	
Address	
E-mail	
Phone	
Name	
Title	
Signature	
Address	
E-mail	
Phone	

**Work Session**

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE:** 10/23/17

**DEPT:** Utilities Dept.

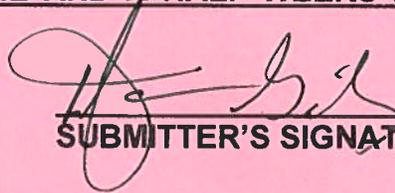
**MEETING DATE:** 11/08/17

**DISCUSSION ITEM/TOPIC:** Installation of high speed pumps at the water treatment filter plant.

**BACKGROUND/RATIONALE:** This project is for the upgrade and replacement of electrical and mechanical components for four high service pumps at the water treatment plant. These new components will bring the system into compliance with current industry standards and allow for continued delivery of fresh drinking water into the distribution system and provide adequate pressure to the City's fire hydrants. The current system is aged and has received little modification since installation in 1978-1980.

The cost of the upgrade / replacement including GRT is approximately \$159,848.25. This includes \$105,303.48 for materials and \$50,320.00 for labor. This project has been budgeted for and will be paid out of line item 646-0000-650-8787. The work will be completed by Alpha Southwest.

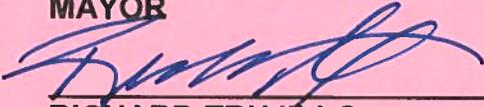
**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**



TONITA GURULÉ-GIRÓN  
MAYOR



RICHARD TRUJILLO  
CITY MANAGER

ANN MARIE GALLEGOS  
FINANCE DIRECTOR  
(PROCUREMENT)

PURCHASING AGENT  
(FOR BID/RFP AWARD)

CORINNA LASZLO-HENRY  
CITY ATTORNEY  
(ALL CONTRACTS, ORDINANCES  
AND RESOLUTIONS MUST BE  
REVIEWED)



**UTILITIES DEPARTMENT PROJECT SUMMARY SHEET**

**PROJECT NAME:** WT PLANT HIGH SPEED PUMPS  
**PROJECT NUMBER:** UT-WTPSI-HSP-2017  
**PROJECT MANAGER:** DON COLE

**ENGINEER:** ALPHA SOUTHWEST  
**CONTRACT NUMBER:** TBD

**PROJECT DESCRIPTION:** The project is for the upgrade and replacement of electrical and mechanical components related to the finished drinking water production at the Water Treatment Plant. The scope of work includes the replacement of the electrical switchgear and starting mechanisms for the four high service pumps; and the replacement of one motor and pump set. The pumps are used to deliver fresh drinking water to the water distribution system and to provide adequate pressure to the City's fire hydrants.

The new electrical gear will bring the system into compliance with current industry standards and allow for the future replacement of the remaining three motor/pump sets. The Clearwell building and high service pumps represent the oldest mechanical structure located within the Water Treatment Plant campus. The pumps and motors were installed from 1978-1980, and have received little modifications since that time. The concern is that after nearly 40 years of service, the pumps have reached their limit of mechanical and electrical efficiency. These improvements will increase our reliability of service to the community, operational efficiency, and extend the life of the water system.

**TIMELINE:** DECEMBER 2017 – MARCH 2018

<b>FUNDING SOURCES</b>	<b>ESTIMATED EXPENDITURES</b>	<b>EXPENDED to date ('17)</b>	<b>Est. BAL to Expend in '18</b>
City \$159,848.25	Design 0	Design \$ 0	Design \$ 0
State 0	Materials \$105,303.48	Materials \$ 0	Materials \$ 0
Federal 0	<u>Construction \$50,320.00</u>	<u>Const \$0.00</u>	<u>Construction \$ 0</u>
<b>Total Funds \$9,920.00</b>	<b>Total w/ GRT \$159,848.25</b>	<b>Total w/GRT \$0.00</b>	<b>Total w/GRT \$ 0.00</b>

**BUDGETED AMOUNT:** \$160,000.00      **LINE ITEM NUMBER:** 646-0000-650-8787

ACTION	DESCRIPTION	DATE
<b>Funding Source</b>	CITY	
<b>Loan/Grant/City</b>	City \$	
	Grant \$	
	Loan \$ _____	
	<b>Total \$</b>	
<b>Authorized Ordinance</b>		
<b>RFP</b>		
<b>Engineering Services Agreement</b>	Contract# ___ Task Order# _____ \$ _____	
<b>Engineering Estimate</b>	Total Engineer's Estimate \$ _____	
<b>Bid Document Review</b>		
<b>Advertisement</b>		
<b>Bid Opening</b>	Purchasing Office	
<b>Bid Tabulation</b>		
<b>Construction Estimate</b>	Contractor Share \$ _____ (Including NMGR)	
	City Share \$ _____	
<b>Engineer's Recommendation</b>	Contractor _____	
<b>Staff Recommendation</b>		
<b>Committee Recommendation</b>		
<b>Council Approval</b>		
<b>Notice To Proceed</b>		



205 Rossmoor Rd SW  
 Albuquerque, NM 87105  
 Ph (505) 877-0458  
 Fax 505-877-0468

**Estimate Sheet**

**Customer:** LAS VEGAS FILTER PLANT  
 HIGH SERVICE PUMPS

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**WO#**

---

**PO#** Pending

<b>Job No.</b>	Pending
<b>Richard's Job Estimate</b>	
<b>Date</b>	10/19/2017
<b>By:</b> Richard Durbin	

Description of work or materials provided:	TS #	Quantity	Price ea.	Total
Item 1: MATERIAL: NEW I-LINE DISTRIBUTION PANEL TO REPLACE MCC, NEW 90X72 CONTROL ENCLOSURE FOR NEW VFD, NEW CONTACTORS(4ea), AND SOLID STATE SOFT STARTERS FOR BYPASS(4ea), NEW 6" VALMATIC SURGE BUSTER CHECK VALVES(4ea)	TS8	1	\$68,415.98	\$ 68,415.98
ITEM 2: LABOR: BUILD AND INSTALL NEW CONTROL CABINET, REMOVE MCC COMPLETE, INSTALL NEW I-LINE DISTRIBUTION PANEL, WIRE ALL PUMPS AND TO NEW CONTROL CABINET AND TO EXISTING PLC, MODIFY PLC PROGRAMMING FOR REVISED PUMP LOGIC, START UP AND TEST. LABOR INCLUDES INSTALL OF CHECK VALVES ON 4 PUMPS.	TS7	610	\$ 75.00	\$ 45,750.00
ITEM 3: MATERIAL: NEW SIMFLO PUMP WITH NEW DISCHARGE HEAD, NEW 75 HP INVERTOR DUTY MOTOR.	TS8	1	\$36,887.50	\$ 36,887.50
ITEM 4: LABOR TO INSTALL PUMP AND MOTOR COMPLETE	TS3	\$ 34.00	\$ 55.00	\$ 1,870.00
ITEM 5: TRAVEL AND LODGING FOR PUMP	TS10/15	1	\$ 1,200.00	\$ 1,200.00
ITEM 6: ELECTRICAL LABOR FOR PUMP INSTALL	TS7	20	\$ 75.00	\$ 1,500.00
<b>NOTE: ALL OR MOST COMPONENTS ARE A 6 TO 8 WEEK LEAD TIME SO DELIVERY AND INSTALL WOULD BE APPROX 10 TO 12 WEEKS AFTER RECEIVING APPROVAL</b>				\$ -
ITEM 7: TAX ON LABOR ONLY(\$45,750.00+\$1,870.00+\$1200.00+\$1500.00)* 8.3958%		1	\$ 4,224.77	\$ 4,224.77
				\$ -
				\$ -
		1		\$ -

Respectfully Submitted **Sub-Total Estimated Cost \$ 159,848.25**

**Alpha Southwest, Inc. Terms: Net 30 for acceptance within 30days, all applicable taxes included**

If you have any questions please feel free to give me a call at 1-505-259-0561 or by e-mail at richard@alphasw.com.

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 10/23/17

DEPT: Utilities Dept.

MEETING DATE: 11/08/17

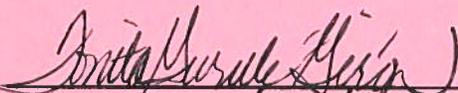
**DISCUSSION ITEM/TOPIC:** Publication of Ordinance No. 17-11 to enter into a loan agreement with the New Mexico Environment Department.

**BACKGROUND/RATIONALE:** This loan is for the purpose of obtaining project loan funding for the Waste Water treatment plant lift stations. The principal loan amount is \$350,000 and the subsidy grant fund amount is \$100,000 for a total funded amount of \$450,000.

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SUBMITTER'S SIGNATURE

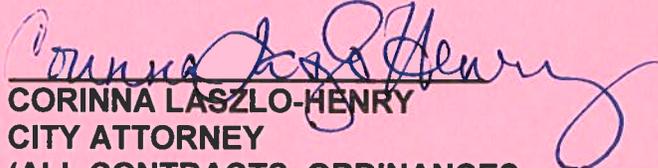
REVIEWED AND APPROVED BY:

  
TONITA GURULE-GIRON  
MAYOR

  
RICHARD TRUJILLO  
CITY MANAGER

\_\_\_\_\_  
PURCHASING AGENT  
(FOR BID/RFP AWARD)

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CORINNA LASZLO-HENRY  
CITY ATTORNEY  
(ALL CONTRACTS, ORDINANCES  
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**ORDINANCE NO. 17-11**

**AUTHORIZING THE CITY OF LAS VEGAS (“BORROWER”) TO ENTER INTO A LOAN AGREEMENT WITH THE NEW MEXICO ENVIRONMENT DEPARTMENT (“NMED”) FOR THE PURPOSE OF OBTAINING PROJECT LOAN FUNDS IN THE PRINCIPAL AMOUNT OF \$350,000.00; AND LOAN SUBSIDY GRANT FUNDS IN THE AMOUNT OF \$100,000.00; THE TOTAL FUNDED AMOUNT IS \$450,000.00; DESIGNATING THE USE OF THE FUNDS FOR THE PURPOSE DEFINED IN THE MOST CURRENT PROJECT DESCRIPTION FORM AS APPROVED BY NMED; DECLARING THE NECESSITY FOR THE LOAN; PROVIDING THAT THE LOAN WILL BE PAYABLE AND COLLECTIBLE SOLELY FROM THE BORROWER’S PLEDGED REVENUES DEFINED BELOW; PRESCRIBING OTHER DETAILS CONCERNING THE LOAN AND THE SECURITY THEREFORE;**

Capitalized terms used in the following preambles are defined in Section 1 of this Ordinance, unless the context requires otherwise.

**WHEREAS**, the Borrower is a legally and regularly created public body organized under the general laws of the State of New Mexico (“State”); and

**WHEREAS**, the Borrower now owns, operates and maintains a public utility constituting a Water/Waste Water (e.g., Joint Water and Wastewater) system (“System”), which includes a system for disposing of wastes by surface and underground methods; and

**WHEREAS**, the present System is insufficient and inadequate to meet the needs of the Borrower; and

**WHEREAS**, the Loan Agreement and Note will be payable solely from the Pledged Revenues; and

**WHEREAS**, the funds for this Project will include funds from a one-time federal grant to the NMED from the Environmental Protection Agency (“EPA”); and

**WHEREAS**, the Project is subject to specific requirements of the federal grant; and

**WHEREAS**, the Borrower has the following obligations outstanding to which the Pledged Revenues have already been pledged:

Funding Source (e.g., Revenue Bond, NMED, NMFA, etc.) and Series# or Loan/Project #	Principal Amount Outstanding at 06/30/2017 (use the most current fiscal year end date)	Is the listed funding source superior, subordinate or on parity with this funding?
NMED #1438092	\$5,081,741	Parity
NMFA Las Vegas 13	\$35,261	Parity
NMED CWSRF-016	\$356,000	Parity
NMED CWSRF-004	\$4,287,950	Parity

**WHEREAS**, the Governing Body of the Borrower has determined that it is in the best interest of the Borrower to accept and enter into the Loan Agreement and to execute and to deliver the Note to the NMED.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE BORROWER:**

**Section 1. DEFINITIONS.** As used in the Ordinance, the following terms shall have the meanings specified below, unless the context clearly requires otherwise (*such meanings to be equally applicable to both the singular and the plural forms of the terms defined unless the plural form is separately defined*):

**ACT.** The general laws of the State, including the Wastewater Facility Construction Loan Act at sections 74-6A-1 to 74-6A-15 NMSA 1978, as amended; enactments of the governing Body of the Borrower relating to the Note and the Loan Agreement made by resolution or ordinance, including this Ordinance; and the powers of the Borrower as a public body under authority given by the Constitution and Statutes of the State.

**ANNUAL AUDIT or SINGLE AUDIT.** Financial statements of the Borrower as of the end of each Fiscal Year, audited by an Independent Accountant, consistent with the federal Single Audit Act and the State Auditor's rules.

**AUTHORIZED OFFICER.** The Borrower's mayor, chief administrative officer, or other officer or employee of the Borrower as designated by the Borrower's Resolution Number 17-40 adopted by the governing body of the Borrower, as amended.

**BORROWER.** The entity requesting funds pursuant to the Act.

**FISCAL YEAR.** The twelve-month period commencing on the first day of July of each year and ending on the last day of June of the succeeding year, or any other twelve-month period which the Borrower hereafter may establish as the fiscal year or the System.

**FUNDS.** Loan and Loan Subsidy Grant funds.

**GOVERNING BODY OF THE BORROWER** (e.g., Council, Commission, Board, etc.) Council.

**LOAN.** A loan of funds from NMED made pursuant to the Loan Agreement.

**LOAN AGREEMENT.** One or more loan agreements between the Borrower and the NMED, pursuant to which funds will be loaned to the Borrower to construct the Project and pay eligible costs relating thereto; and the amended loan agreement which shall state the final amount the NMED loaned to the Borrower, which shall be executed upon completion of the Project and dated on the date of execution thereof.

**LOAN SUBSIDY GRANT.** A sub-grant of funds to the Borrower from a one-time federal grant of funds to the NMED by EPA, for the purpose of subsidizing the amount loaned to the Borrower under the Loan Agreement and Note.

**NMSA.** New Mexico Statutes Annotated, 1978 Compilation, as amended and supplemented.

**NOTE.** The interim and final promissory notes issued by the Borrower to the NMED evidencing the obligation of the Borrower to the NMED incurred pursuant to the Ordinance and Loan Agreement.

**OPERATION AND MAINTENANCE.** All reasonable and necessary current expenses of the System, paid or accrued, relating to operating, maintaining and repairing the System.

**ORDINANCE.** This Ordinance as amended or supplemented from time to time.

**PARITY BONDS or PARITY OBLIGATIONS.** Revenue Bonds and other bonds or other obligations payable from the Pledged Revenues issued with a lien on the Pledged Revenues on parity with the bonds or obligations as listed in this Ordinance.

**PLEDGED REVENUES.** Wastewater/Sewer Revenues.

**PROJECT.** The most current NMED approved Project Description listed on the Project Description Form on file with NMED.

**PROJECT COMPLETION DATE.** Means the date that operations of the completed works are initiated or capable of being initiated, whichever is earlier. This also applies to individual phases or segments.

**REGULATIONS.** Regulations promulgated by the Water Quality Control Commission at 20.7.5 NMAC and New Mexico Environment Department at 20.7.6 – 20.7.7 NMAC.

**SUBORDINATE OBLIGATIONS.** Other obligations payable from the Pledged Revenues issued with a lien on the Pledged Revenues subordinate to the lien of the Loan Agreement and Note as may be listed in this Ordinance.

**Section 2. RATIFICATION.** All action heretofore taken (not inconsistent with the provisions of the Ordinance) by the Board, the officers and employees of the Borrower, directed toward the Loan Agreement and the Note, is hereby ratified, approved and confirmed.

**Section 3. FINDINGS.** The Governing Body of the Borrower hereby declares that it has considered all necessary and relevant information and data and hereby makes the following findings:

(A) The execution and delivery of the Loan Agreement and the Note pursuant to the Act to provide funds to finance the Project, is necessary and in the interest of the public health, safety, and welfare of the residents of the Borrower and will result in savings of finance costs to the Borrower.

(B) The money available for the Project from all sources other than the Loan Agreement is not sufficient to pay when due the cost of the Project.

(C) The Project is and will be part of the System.

(D) The Pledged Revenues may lawfully be pledged to secure the payment of amounts due under the Loan Agreement and Note.

**Section 4. SYSTEM.** The System shall continue to constitute a Water/Waste Water system and shall be operated and maintained as such.

**Section 5. AUTHORIZATION OF PROJECT.** The acquisition and construction of the Project and payment of eligible items as set forth in the Regulations from proceeds of the Loan Agreement and Note is hereby authorized at a cost not to exceed the principal Loan amount

of \$350,000.00 and the Loan Subsidy Grant amount of \$100,000.00 excluding any cost of the Project to be paid from any source other than the proceeds of the Loan Agreement and Note.

**Section 6. AUTHORIZATION OF LOAN AGREEMENT.**

(A) For the purpose of protecting the public health, conserving the property, and protecting the general welfare of the residents of the Borrower and acquiring the Project, it is hereby declared necessary that the Borrower, pursuant to the Act and the Regulations execute and deliver the Loan Agreement and Note, and the Borrower is hereby authorized to execute and deliver the Loan Agreement and the Note, to be payable and collectible solely from the Pledged Revenues. The NMED has agreed to disburse the proceeds according to the terms of the Loan Agreement to the Borrower over the construction period of the Project. The principal Loan amount of the Note shall not exceed \$350,000.00 without the adoption of another Ordinance amending the Ordinance by the Governing Body of the Borrower. The final maturity date on the Note shall not extend beyond the agreed upon useful life of the project. The Loan shall be repaid in substantially equal annual installments in the amount and on the dates provided in the Loan Agreement with the first annual installment due no later than one year after completion of the project. The Borrower must maintain a debt service coverage ratio of no less than 1.2 and must also obtain the written consent of the NMED before issuing additional obligations secured by the Pledged Revenues.

(B) The Borrower is hereby authorized to accept a Loan Subsidy Grant under the terms of the Loan Agreement. The Loan Subsidy Grant amount shall not exceed \$100,000.00 without the adoption of another Ordinance amending the Ordinance by the Governing Body of the Borrower. By accepting a Loan Subsidy Grant, the Borrower is a sub-recipient of a one-time federal grant of funds to NMED by EPA. As a sub-recipient, the Borrower is responsible for complying with the specific requirements and the conditions of the one-time federal grant. If the

Borrower fails to satisfy any federal grant requirements or conditions, the Borrower may be required to refund any federal grant funds disbursed to the Borrower from NMED.

(C) The form of the Loan Agreement and the Note are approved. An Authorized Officer is hereby authorized and directed to execute and deliver the Loan Agreement and the Note and any extensions of or amendments to any such document to be executed after completion of the Project, or any substitution therefore, with such changes therein consistent with the Ordinance and as shall be approved by an Authorized Officer whose execution thereof, or any extension thereof, or substitution therefore, in their final forms shall constitute conclusive evidence of their approval and compliance with this section.

(D) From and after the date of the initial execution and delivery of the Loan Agreement and the Note, Authorized Officers, agents and employees of the Borrower are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this Ordinance, the Loan Agreement and the Note.

**Section 7. SPECIAL LIMITED OBLIGATIONS.** The Loan Agreement and the Note and all payments thereon shall be special limited obligations of the Borrower and shall be payable and collectible solely from the Pledged Revenues which are irrevocably pledged as set forth in this Ordinance. The NMED may not look to any general or other fund for the payment on the Loan Agreement and the Note except the designated special funds pledged therefore. The Loan Agreement and the Note shall not constitute indebtedness or debts within the meaning of any constitutional, charter or statutory provision or limitation, nor shall they be considered or be held to be general obligations of the Borrower and shall recite that they are payable and collectible solely from the Pledged Revenues the income from which is so pledged.

**Section 8. OPERATION OF PROJECT.** The Borrower will operate and maintain the Project so that it will function properly over its structural and material design life.

**Section 9. USE OF PROCEEDS.** The NMED shall disburse Funds pursuant to the Loan Agreement for NMED approved costs incurred by the Borrower for the Project or to pay contractors or suppliers of materials for work performed on the Project as set forth in the Loan Agreement.

**Section 10. APPLICATION OF REVENUES.**

**(A) OPERATION AND MAINTENANCE.** (If required, please define)

**(B) PARITY OBLIGATIONS AND OTHER APPROVED DEBT(S).** The Borrower shall pay the principal, interest and administrative fees (if applicable) of parity obligations and other approved debts which are secured from the Pledged Revenues as scheduled.

**(C) EQUITABLE AND RATABLE DISTRIBUTION.** Obligations of the Borrower secured by the Pledged Revenues on parity with the Loan Agreement and the Note, from time to time outstanding, shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of their issuance or creation.

**(D) SUBORDINATE OBLIGATIONS.** The Pledged Revenues used for the payment of Subordinate Obligations shall be applied first to the payment of the amounts due the Loan Agreement and the Note, including payments to be made to other obligations payable from the Pledged Revenues which have a lien on the Pledged Revenues on parity with the Loan Agreement and the Note.

**Section 11. LIEN OF LOAN AGREEMENT AND NOTE.** The Loan Agreement and the Note shall constitute irrevocable liens upon the Pledged Revenues with priorities on the Pledged Revenues as set forth in this Ordinance. The Borrower hereby pledges and grants a

security interest in the Pledged Revenues for the payment of the Note and any other amounts owed by the Borrower to the NMED pursuant to the Loan Agreement.

**Section 12. OTHER OBLIGATIONS.** Nothing in the Ordinance shall be construed to prevent the Borrower from issuing bonds or other obligations payable from the Pledged Revenues and having a lien thereon subordinate to the liens of the Loan Agreement and the Note. The Borrower must obtain the written consent of the NMED before issuing additional obligations secured by the Pledged Revenues.

**Section 13. DEFAULT.** The following shall constitute an event of default under the Loan Agreement:

(A) The failure by the Borrower to pay the annual payment due on the repayment of the Loan set forth in the Loan Agreement and Note when due and payable either at maturity or otherwise; or

(B) Default by the Borrower in any of its covenants or conditions set forth under the Loan Agreement (*other than a default described in the previous clause of this section*) for 60 days after the NMED has given written notice to the Borrower specifying such default and requiring the same to be remedied.

**UPON OCCURRENCE OF DEFAULT:**

(A) The entire unpaid principal amount of the Interim and Final Promissory Note plus accrued interest and any fees thereon may be declared by the NMED to be immediately due and payable and the Borrower shall pay the amounts due under Note from the Pledged Revenues, either immediately or in the manner required by the NMED in its declaration, but only to the extent funds are available for payment of the Note. However, if insufficient funds are available for payment of the Note(s), the NMED may require the Borrower to adjust the rates charged by the System to ensure repayment of the Note.

(B) If default by the Borrower is of covenants or conditions required under the federal grant, the Borrower may be required to refund the amount of the Loan and Loan Subsidy Grant disbursed to the Borrower from NMED.

(C) The NMED shall have no further obligation to make payments to the Borrower under the Loan Agreement.

**Section 14. ENFORCEMENT; VENUE.** The NMED retains the right to seek enforcement of the terms of the Loan Agreement. If the NMED and the Borrower cannot reach agreement regarding disputes as to the terms and conditions of this Loan Agreement, such disputes are to be resolved promptly and expeditiously in the district court of Santa Fe County. The Borrower agrees that the district court for Santa Fe County shall have exclusive jurisdiction over the Borrower and the subject matter of this Loan Agreement and waives the right to challenge such jurisdiction.

**Section 15. REMEDIES UPON DEFAULT.** Upon the occurrence of any of the events of default as provided in the Loan Agreement or in this Ordinance, the NMED may proceed against the Borrower to protect and enforce its rights under the Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained in the Ordinance for the enforcement of any proper legal or equitable remedy as the NMED may deem most effective to protect and enforce the rights provided above, or to enjoin any act or thing which may be unlawful or in violation of any right of the NMED, or to require the Borrower to act as if it were the trustee of an express trust, or any combination of such remedies. Each right or privilege of the NMED is in addition and cumulative to any other right or privilege under the Ordinance or the Loan Agreement and Note and the exercise of any right or privilege by the NMED shall not be deemed a waiver of any other right or privilege.

**Section 16. DUTIES UPON DEFAULT.** Upon the occurrence of any of the events of default as provided in this Ordinance, the Borrower, in addition, will do and perform all proper acts on behalf of and for the NMED to protect and preserve the security created for the payment of the Note to ensure the payment on the Note promptly as the same become due. All proceeds derived from the System, so long as the Note is outstanding, shall be treated as revenues. If the Borrower fails or refuses to proceed as required by this Section, the NMED, after demand in writing, may proceed to protect and enforce the rights of the NMED as provided in the Ordinance and the Loan Agreement.

**Section 17. TERMINATION.** When all obligations under the Loan Agreement and Note have been paid, the Loan Agreement and Note shall terminate and the pledge, lien, and all other obligations of the Borrower under the Ordinance shall be discharged. The principal amount of the Note, or any part thereof, may be prepaid at any time without penalty at the discretion of the Borrower and the prepayments of principal shall be applied as set forth in the Loan Agreement.

**Section 18. AMENDMENT OF ORDINANCE.** This Ordinance may be amended with the prior written consent of the NMED.

**Section 19. ORDINANCE IRREPEALABLE.** After the Loan Agreement and Note have been executed and delivered, the Ordinance shall be and remain irrevocable until the Note has been fully paid, terminated and discharged, as provided in the Ordinance.

**Section 20. SEVERABILITY CLAUSE.** If any section, paragraph, clause or provision of the Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Ordinance.

**Section 21. REPEALER CLAUSE.** All bylaws, orders, Ordinances and Ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, Ordinance or Ordinance, or part thereof, heretofore repealed.

***(BORROWER SHOULD ADD SIGNATURE PAGE AS USUAL AND CUSTOMARY)***

***Ordinance No. 17-11***

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

**City of Las Vegas, New Mexico**

\_\_\_\_\_  
**Mayor Tonita Gurulé-Girón**

**ATTEST:**

\_\_\_\_\_  
**Casandra Fresquez, City Clerk**

**APPROVED AS TO LEGAL SUFFICIENCY ONLY**

\_\_\_\_\_  
**Corinna Laszlo-Henry, City Attorney**

**Work Session**

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 10/23/17**

**DEPT: Utilities**

**MEETING DATE: 11/8/17**

**DISCUSSION ITEM/TOPIC: *Publication of Ordinance No. 17-12 Amending Water Conservation Ordinance.***

**BACKGROUND/RATIONALE: Water Conservation Amendment of Ordinance 440-26. To add small personal food gardens to the exceptions on ordinance.**

**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**



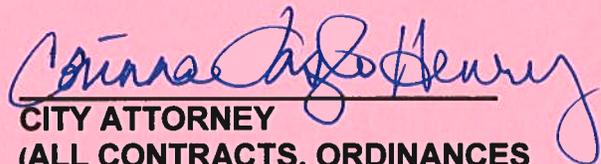
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CITY OF LAS VEGAS  
CITY COUNCIL  
ORDINANCE NO. 17-12

AN ORDINANCE AMENDING WATER CONSERVATION ORDINANCE 440-26  
TO EXEMPT SMALL, PERSONAL FOOD GARDENS

**WHEREAS**, much of the City of Las Vegas is designated by the USDA as a food desert, and

**WHEREAS**, food deserts are strongly linked to obesity and diabetes, particularly among low-income children, and

**WHEREAS**, over forty percent of city residents have income below the federal poverty level, and

**WHEREAS**, personal food gardens can reduce food costs, easing the financial burden on low income families, and

**WHEREAS**, the city's current water conservation ordinance draws no distinction between watering a personal food garden and watering a two-acre lawn, and

**WHEREAS**, the keeping of local vegetable gardens helps preserve local heirloom crops such as calabacitas and maiz concha, and

**WHEREAS**, water restrictions can destroy personal food gardens, and

**WHEREAS**, other municipalities have incorporated into their water conservation ordinances exceptions for personal food gardens, now therefore

Be it ordained that Water Conservation Ordinance, §440-26, J. (2) is amended by the Governing Body of the City of Las Vegas, to add to the list of exceptions,

**J. Exemptions. [ Amended 12-14-2010 by Ord. No. 10-31]**

**2. Outdoor Uses**

**f. Personal fruit and/or vegetable gardens of 200 square feet or less, watered by drip irrigation, soaker hose or by hand.**

**§ 440-26. Water conservation. [Amended 7-12-1990 by Ord. No. 78-44; 8-19-1998 by Ord. No. 98-2; 5-25-2000 by Ord. No.**

**99-34; 5-16-2001 by Ord. No. 01-14; 6-21-2010 by Ord. No.**

**09-18]**

- A. Short title. This section may be cited as the "City of Las Vegas Water Conservation Ordinance."
- B. Purpose. The purpose of this section is to provide the City the means to reduce per capita water demands by requiring its government, citizens and businesses to comply with prescribed water conservation regulations and by establishing financial and other incentives for water conservation.
- C. Scope. This section shall apply to all City provided water, whether potable or effluent, and all customers of the City water or wastewater utility wherever situated to the extent legally permissible.
- D. Declaration of policy.
  - (1) The governing body finds and determines that encouraging and requiring the adoption of water conservation measures is an effective and low-cost means to balance water demands with limited available water supplies and production capabilities. The governing body further recognizes that as a consequence of implementing water conservation regulations, reduction in water use provides the following benefits to the City and its citizens:
    - (a) Potential for reduction of individual residential and commercial customers' water and sewer bills.
    - (b) Provides a means of working within available supply and water rights while additional supply sources are being brought on line with an interim goal of 2.5% per year reduction in treated water produced with a goal of reaching 75 gallons per capita per day over the next 20 years. This will allow the City to stay within its allotted water rights.
    - (c) Reduces peak summer demands thereby reducing short- and long-term system costs.
    - (d) Enhances the local environment by minimizing transport of fertilizer, pesticide, and other contaminants from runoff to surface waters and deep percolation to groundwaters. Enhances the global environment by

reducing energy consumption associated with water production, treatment, and distribution.

- (2) It is hereby declared, because of the City's immediate and long-term limited water supplies and the overall benefits of water conservation, that the City promote and require water use efficiency strategies for the public health, safety, and general welfare of its citizens.
- (3) It is hereby declared that, to promote implementation of efficiency measures, the City establishes a water rebate program to be developed and administered by the Utilities Department.
- (4) It is hereby declared that the City shall consult with other stakeholders to include the Office of the State Engineer, Acequias and Storrie Water Users' Association to maximize the effectiveness of water conservation in the Gallinas River Basin. The City will work with the above-named agencies to promote water conservation projects.
- (5) It is hereby declared that the City shall develop and implement water pricing mechanisms such as progressive block rate structures and/or other feasible alternatives to encourage water conservation.
- (6) It is hereby declared that water rate structures shall be established so as to provide sufficient receipts to cover all of the Utility's aggressive retrofit rebates and other water conservation efforts.
- (7) It is hereby declared that if any part of this section is stricken as illegal, then the remainder of this section will continue with full force and effect.
- (8) It is hereby declared that the City shall take a leadership in position and be in compliance with all requirements within 12 to 18 months.
- (9) It is hereby declared that the City will assess leaks in the distribution system within 12 months of implementation of this section and establish and maintain an ongoing leak detection program.
- (10) It is hereby declared that the City shall develop a meter inspection program and monitor unaccounted for unbilled water.

- (11) It is hereby declared that the City, within 12 to 18 months, shall develop and promulgate policies which provide for a family of year-by-year quantitative water conservation goals, to include items such as total surface water diversion, total groundwater diversions, distribution system losses, and criteria for specific major users. The City shall establish policies to ensure a proactive violation detection program.
- E. Signage, public notices, education.

(1) Signage.

- (a) Public, semipublic, and governmental rest room and shower facilities. These facilities shall post no less than one water conservation sign in each rest room and shower facility, the size of which shall not be less than 8.5 inches by 11 inches. Entities may use a City-provided sign or develop their own sign using City-provided text, the text of which shall cite this section. A "semipublic facility" shall include all private clubs and fraternal organizations. Postings shall be displayed in a visible location.
- (b) Hotels, motels, and other lodging facilities. These facilities shall include a water conservation informational card or brochure in a visible location in each guest room. Entities may use City-provided literature or develop their own using City-provided text.

(2) Notices. The Utilities Department shall make the following information available to the public through local media outlets or and through distribution of public education materials:

- (a) Snow water equivalent as measured at the Wesner Springs SnoTel Measuring Site by comparison of recent measurements to the previous three years for the same period (to be made available to local media outlets during the months of February, March and April).
- (b) Gallinas River flows, total water production and current reservoir storage (to be made available to local media outlets year round).
- (c) Retail plant nurseries. Retail plant nurseries shall provide their end use customers with City-provided low-water-use landscape literature and water efficient irrigation guidelines at the time of sale of any outdoor perennial plants. An "end-use customer" is the person or persons

who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low-water-use plants, nurseries are strongly encouraged to tag or sign their low-water-use plants.

- (d) Landscape contractors and architects. Landscape contractors and architects shall provide prospective clients with City-provided low-water-use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to their prospective client. Landscaping professionals are strongly encouraged to educate their customers regarding the operation of timed irrigation systems and/or cisterns for water harvesting and curb cuts to catch road runoff where appropriate.
- (e) Realtors, title companies, attorneys, banks, and other closing real estate transactions. These individuals or entities shall provide the party purchasing a home, business, or property with City-provided indoor and outdoor water conservation literature at the time of closing.
- (f) City departments. The City shall provide indoor and outdoor conservation literature:
  - [1] To all persons applying for a building permit.
  - [2] To all customers initiating new water service from the City of Las Vegas Utilities Department

(3) Education.

- (a) The City Utilities Department shall make available water conservation educational material to increase the awareness of the public regarding the value of our water resources and how water can be used more efficiently (year round). The City shall seek to coordinate the exchange and distribution of educational materials and awareness efforts with New Mexico State agencies, acequias, municipalities, counties, and utilities.
- (b) The City Utilities Department shall inform the public of the water conservation measures of this section. Public information/education will be conducted for a reasonable period as to allow the public to become informed of said

conservation measures. The effectiveness of this education will be made available to the public.

- (c) The City Utilities Department will maintain a continuing public education program concerning water conservation to include the measures of this section throughout the year.
  - (d) The City Utilities Department will post on its website an annual report of overall City facility water consumption figures and top 10 water users by class during the month of February.
- F. Outdoor uses. The following subsection shall apply to all City customers using City-provided water for outdoor uses. These restrictions shall also apply to any properly licensed person, firm or corporation engaged in the business of growing or selling plants. The City encourages the use of greywater meeting applicable standards or water harvested from precipitation.
- (1) Irrigation. Irrigation shall be permitted on:
    - (a) Even-numbered calendar days at locations with even-numbered street addresses.
    - (b) Odd-numbered calendar days at locations with odd-numbered addresses.
    - (c) Irrigation shall be permitted during the early morning from 6:00 a.m. to 8:00 a.m. or late evening from 8:00 p.m. to 10:00 p.m.
  - (2) Irrigation systems. Overhead spray irrigation systems are prohibited in all areas except turf areas. Temporary irrigation systems will be reviewed on a case-by-case basis.
  - (3) Shutoff nozzles shall be required on all hoses used for hand watering, washing of vehicles, or any other type of outdoor water use.
  - (4) Large landscaped areas. Areas with water pressure limitations or inadequate irrigation equipment which restrict the owner's ability to irrigate in the odd/even manner specified in the above subsections may designate a portion of its landscape area as "odd" and a portion as "even." The Utility Department shall approve this designation prior to irrigating. The utility account holder shall submit an

irrigation plan with a sketch map showing odd and even irrigation areas.

- (5) Owners of acequia rights or private wells. To the extent that water is available, those supplies shall be used prior to the use of City water.
- (6) Minor private water service line leaks, as determined by the City, shall be repaired by the owner or property manager within 15 days of initial notification by the City. A severe leak, as determined by the City, shall be repaired immediately. Failure to do so may result in discontinuance of service as set forth in § 440-10 of this chapter. Proof of repair shall be provided to the City Utilities Department upon completion of the repair.
- (7) Concrete, cement, asphalt, or other impervious surfaces shall not be washed down with a hose or other means of transported water, unless there is a hazard to be removed. The City Utilities Department and City Fire Department shall be advised of said hazard. Surfaces include, but are not limited to, sidewalks, parking lots, ramps, and loading docks.
- (8) In order to protect the large public investment in parks and playing fields the use of treated effluent water to water trees and shrubs in public parks, playing fields and other publicly maintained spaces may be restricted by the Utilities Department but is generally exempt from Stage I, II, III and IV watering restrictions. This subsection recognizes that even in times of low water parks and playing fields are essential to the continuing quality of life in the City and may even help to minimize long-term water consumption by providing shaded areas and reducing runoff.
- (9) Water waste.
  - (a) Citizens shall not allow any water, such as City water, well water, or effluent water, to leave the customer's property by drainage onto adjacent properties or public or private roadways or streets.
  - (b) Sprinklers shall be shut off during rainy and windy events.

G. Indoor uses.

- (1) Minor indoor plumbing leaks, as determined by the City, shall be repaired by the owner or property manager within 15 days

of initial notification by the City. A severe leak, as determined by the City, shall be repaired immediately. Failure to do so may result in discontinuance of service as set forth in § 440-10 of this chapter. Proof of repair shall be provided to the City Utilities Department upon completion of the repair.

- (2) Water conservation plumbing. For all new construction, remodeling and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of Subsection G(2)(d), it is strongly recommended that all existing nonresidential water users shall retrofit their facilities such that the plumbing fixtures noted below are in place one year from the date of adoption of this subsection. It is also strongly recommended that any residential property with more than three rental units shall retrofit their facilities such that the plumbing fixtures noted below, with the exception of Subsection G(2)(b) and (d), are in place one year from the date of adoption of this subsection.
- (a) Water closets. Water closets, either flush tank, dual flush, flushometer tank, or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush or less.
  - (b) Urinals. Urinals shall have an average water consumption of not more than 1.0 gallons (3.8 liters) of water per flush.
  - (c) Nonmetered faucets. Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.0 gallons (9.5 liters) per minute.
  - (d) Metered faucets. Self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in but not limited to public institutions, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (1.0 liters) of water per use. New construction must install infrared sensor hands-free faucets in all buildings with public access.
  - (e) Shower heads. Shower heads shall be designed and manufactured so that they will not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this subsection. The City Utility Department shall make available low-flow

showerheads to its customers, subject to the availability of funds.

- (f) Recirculating hot water systems. Hotels and motels shall install recirculating hot water systems on all new construction.
  - (g) Installation. Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.
  - (h) Certificate of compliance. All of the requirements regarding water-conserving devices mentioned shall be certified by a certificate of compliance by a licensed mechanical contractor or plumbing permittee before or at a time of the final plumbing inspection.
  - (i) High-efficiency front-loader washing machines are highly recommended and shall be promptly installed, except where City utility representatives agree that installation is not economically feasible.
- (3) Eating establishments. All commercial eating establishments shall provide water or other beverages only upon request. Eating establishments serving beverages in single-serving containers shall only serve an accompanying glass if specifically requested by the customer. These provisions shall be clearly communicated to the customer in at least one of the following manners: on the menu, by use of a table tent or similar signage on the table, or posting in a location clearly visible to all customers. All catering and banquet operations shall comply with the provisions of this subsection.
- (4) Lodging restrictions. Lodging facilities shall not change the sheets and towels more than once every four days for guests staying four days or more unless there is a justified public health reason. Guests shall be informed of this requirement, in writing, at the time of check-in.
- (5) Institutional water users. Institutional water users on the City of Las Vegas system shall conduct annual internal water audits and shall develop and implement a water conservation program to reduce consumption that is to include replacing all high-flow fixtures with low-flow devices. Their conservation program should be developed in conjunction with the City.

- (6) City facilities/parks. The City of Las Vegas shall conduct annual internal water audits of these facilities.
- H. New construction.
- (1) New construction or remodeling by contractors and private individuals. Commercial contractors are required to obtain the proper building permit issued by the City Community Development Department allowing the construction or remodeling that requires the use of water. Set construction shall meet standards outlined in Subsection G.
  - (2) Irrigation systems. Irrigation systems for all new commercial and multifamily residential developments are to be installed with automatic timing controllers. Irrigation systems are to be designed to avoid overspray or drainage of water onto any paved or unplanted surface and follow same time and day restrictions.
  - (3) Irrigation of newly installed sod and plants is subject to Subsection J, Exemptions.
  - (4) All new state or publicly funded construction must meet LEED certification for energy and water consumption.
- I. Water shortage; conservation stages. The following additional water conservation stages shall apply when the water shortages dictate the need to increase conservation of treated, potable water. The City Manager, upon consultation with the Utility Director, shall determine when each stage is implemented based on operational requirements, predicted or actual water supply limitations and/or reservoir levels. The Mayor and Council may decide to discontinue stages of the City of Las Vegas water conservation program.
- (1) Stage I.
    - (a) Irrigation. Irrigation shall be permitted on the following days and addresses:
      - [1] Monday, Wednesday, and Friday at locations with even-numbered street addresses.
      - [2] Tuesday, Thursday and Saturday at locations with odd-numbered street addresses.
      - [3] Irrigation shall be permitted during the early morning from 6:00 a.m. to 8:00 a.m. or late evening from 8:00 p.m. to 10:00 p.m.

- (b) Vehicle washing. No City-provided water shall be used to wash automobiles except at places of business whose services include the washing of cars, where high-pressure wash is utilized either by self-service or fully automated process, or car dealerships which utilize high-pressure wash equipment. Further, such washing is exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings, such as refuse collection trucks and vehicles used to transport food and perishables and businesses with recycling systems. Based on administrative approval, the City will encourage the use of recycling systems and other conservation techniques available to the industry by offering such incentives as it deems appropriate.
- (c) Swimming pools. Swimming pools and spas/hot tubs filled prior to the implementation of Stage I and utilizing treated water shall not add water to make up losses through evaporation or splashing, through draining or through leaks in pools and spas/hot tubs while Stage I is in effect with the exception of any municipally or Highlands University owned covered (enclosed) swimming pool(s).
- (d) Eating establishments. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
- (e) Ornamental fountains. Ornamental fountains may operate if they recirculate water but not during windy periods. Ornamental fountains that do not recirculate water are prohibited.
- (f) Fire hydrants. Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens served by the municipal water system. Metered use of hydrants may be allowed at the Utility Director's discretion.
- (g) These restrictions shall not apply to any properly licensed person, firm, or corporation engaging in the business of growing or selling plants.

(2) Stage II.

(a) Irrigation. Irrigation shall be permitted on the following days and addresses:

[1] Mondays and Fridays at locations with even-numbered street addresses.<sup>1</sup>

[2] Tuesdays and Saturdays at locations with odd-numbered addresses.

[3] Irrigation shall be permitted during the early morning from 6:00 a.m. to 7:00 a.m. or late evening from 8:00 p.m. to 9:00 p.m.

(b) Vehicle washing. Requirements continue as in Stage I with the following addition: Businesses, whose services include the washing of automobiles, shall not be allowed to use City-provided water for washing of automobiles on Mondays, Wednesdays and Fridays. Use of recycled water is permitted any day of the week.

(c) Swimming pools. Requirements continue as in Stage I.

(d) Eating establishments. Requirements continue as in Stage I.

(e) Ornamental fountains. Requirements continue as in Stage I.

(f) Fire hydrants. Requirements continue as in Stage I.

(3) Stage III.

(a) Irrigation. Irrigation shall be permitted on the following days and addresses:

[1] Wednesdays at locations with even-numbered street addresses.

[2] Thursdays at locations with odd-numbered street addresses.

[3] Irrigation shall be permitted during the early morning from 6:00 a.m. to 7:00 a.m. or late evening from 8:00 p.m. to 9:00 p.m.

(b) Vehicle washing. Vehicle washing is only permitted at businesses that utilize recycled water.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (c) Swimming pools. There will be no refilling or adding of water to swimming pools with the exception of any municipally or Highlands University owned covered (enclosed) swimming pool(s).
  - (d) Eating establishments. Requirements continue as in Stage I.
  - (e) Ornamental fountains. Requirements continue as in Stage I.
  - (f) Fire hydrants. Requirements continue as in Stage I.
- (4) Stage IV.
- (a) No outdoor watering. The City Manager, upon consultation with the Utility Department, may declare an emergency and thus impose more stringent restrictions should conditions warrant, subject to modification by formal action of the City Council.
  - (b) Said emergency restrictions may be temporary or long term based upon the nature of the emergency, and shall include, when and as necessary, municipal action as authorized by law, to take control of the Rio Gallinas Stream System to protect it during actual or predicted drought conditions. Emergency restrictions may also include City action to restrict the use of private wells and/or ditches, as the City deems it necessary, to the extent authorized by the law, and are subject to the approval of the Mayor and City Council.

**J. Exemptions. [Amended 12-14-2010 by Ord. No. 10-31]**

- (1) Indoor uses. The City Utility Director has the authority to permit exceptions in any case necessary to maintain adequate health and sanitation standards.
- (2) Outdoor uses.
  - (a) Newly installed plantings or sod and gardens, prior to Stage I or II. Due to the need of newly installed sod and gardens to establish a root system, a sixty-day exemption period may be allowed by the Utilities Director. Residents, commercial establishments, and all other entities shall apply for said sixty-day exemption by advising the Utilities Department and, if approved, providing a copy of a proper bill of sale or other sufficient

proof deemed appropriate by the Utilities Director. The sixty-day exemption shall be effective beginning the day of the date of the bill of sale. Wherever acequia rights or private wells are lawfully available for this purpose, such waivers shall not be granted, in whole or in part. The exemption is for newly installed plantings or sod and gardens only and not for other new or existing landscaping (trees and shrubs).

- (b) Nursery stock. Plants being irrigated for retail or wholesale sale are exempt.
  - (c) Treated effluent; irrigation using treated effluent. Prior to the application of treated effluent, under written agreement with the City, the customer must complete the proper notice of intent form seeking approval from the New Mexico Environment Department. Copies of the completed form and of the notice of approval shall be provided to the Utilities Department prior to the use of treated effluent.
  - (d) Landscape companies, property owners, licensed plumbers or individuals setting timed irrigation systems shall ensure that systems comply with time and day restrictions. Ultimate responsibility for compliance lies with the property owner.
  - (e) The City Utility Director has the authority to permit exceptions in any case necessary to maintain adequate health and sanitation standards.
  - (f) [Personal fruit and/or vegetable gardens of 200 square feet or less, watered by drip irrigation, soaker hose or by hand.]
- (3) The City of Las Vegas Water Filter Plant is exempt from this section in their maintenance practices of washing down equipment using City-treated water.
- (4) Harvested rainwater and greywater are exempt.
- (5) Hardship case waivers. Individuals and entities unreasonably or adversely affected by any part of this water conservation ordinance may apply in writing to the Utility Director for an equitable exception waiver or adjustment. Such waiver or adjustment may be granted for a period of one year (or two years) with the recommendation of the Utilities Director and approval of the City Manager.
- (a) The applicant must submit evidence sufficient to convince the designated approver that:

- [1] Literal application of this section creates a bona fide hardship upon the individual or entity.
  - [2] The individual or entity has a strong and effective water conservation process in place.
  - [3] The waiver or adjustment would not be unfair to other City residents.
  - [4] The proposed waiver or exception will ameliorate the hardship.
- (b) If the waiver or adjustment is granted, the grantee must cause a publication of a brief legal notice describing the waiver or adjustment in the Optic.
  - (c) Upon expiration of the waiver or adjustment period, the individual or entity may apply for a subsequent waiver or adjustment.
  - (d) The designated City approver must render a decision in writing within 30 days of receipt of the application.
  - (e) The individual or entity may appeal an adverse decision in writing to the City Council within 30 days of receipt of the decision.
- K. Enforcement. The City Manager or designee to include but not limited to the Water Conservation Specialist, City Police Department, City Code Enforcement Officers, Fire Department and or Animal Control Officers as authorized by the Municipal ordinances shall be the enforcement authority of this section in the following manner.
- (1) Violations/penalties. The following procedure and applicable penalty will be used in addressing violations of this chapter upon observation or reasonable suspicion of said violation.
    - (a) The first violation shall result in the issuance of a warning citation to the party committing said violation. The citation shall advise the party of the nature of the offense and of the subsection of this section that has been violated and it shall be consistent with Subsection K(2)(b)[1]. The result of the first violation shall be the distribution of a copy of this section and an educational packet containing information on water conservation to the party committing the violation.

- (b) Upon observation of or reasonable evidence of a second violation, a citation shall be issued to the party violating this chapter advising the party of the specific violation and include a notice to appear in Municipal Court. The penalty for the second violation shall be consistent with the penalties noted in Subsection K(2)(b)[2].
- (c) Subsequent violations shall be subject to Subsection K(2)(b)[3].

(2) Water shortage. Conservation Stages I, II, III, IV.

- (a) All violations of water emergency stages shall come under the jurisdiction of the Municipal Court of the City of Las Vegas, New Mexico. Any person, business, institution or industrial plant found in violation of this chapter shall be fined as follows.
- (b) Unless otherwise specified or ordered by the governing body of the City of Las Vegas, violators of this section or other water use restrictions issued by the enforcement authority as specified in Subsection K shall be subject to the following schedule of citation penalties to the extent that occur within a twelve-month period:
  - [1] First violation. A warning shall be issued and include the address of where the violation occurred, a description of the violation, and notification of the consequences of subsequent violations.
  - [2] Second violation: \$350 penalty assessment municipal violation.
  - [3] Third and subsequent violation: \$450 penalty assessment municipal violation per occurrence.

(3) Penalties shall be distinct from of any Court costs assessed by the Municipal Court.

(4) All fines imposed shall apply to the account holder.

L. Definitions. As used in this section, the following terms shall have the meanings indicated:

**ADMINISTRATIVE APPROVAL** — May be granted by City Manager and/or Water Director.

**CITY-PROVIDED WATER** — Water which is diverted or pumped from surface water and/or well water sources and supplied to

all citizens, businesses, industrial and governmental customers serviced by the City's water system.

**DRIP IRRIGATION** — Low-pressure, low-volume irrigation applied slowly, near or at ground level, to minimize runoff and loss to evaporation.

**EVEN-NUMBERED PROPERTIES** — Properties where the official address ends in an even number. Landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscape area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

**GREYWATER** — Water-carried waste from kitchen (excluding garbage disposal) and bathroom sinks, wet bar sinks, showers, bathtubs and washing machines. Greywater does not include water-carried wastes from kitchen sinks equipped with a garbage disposal, utility sinks, any hazardous materials, or laundry water from the washing of material soiled with human excreta. Greywater must meet NMED regulations.

**HARVESTED WATER** — Precipitation or irrigation runoff collected, stored and available for reuse for irrigation purposes.

**ODD-NUMBERED PROPERTIES** — Properties where the official address ends in an odd number. Landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscape area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

**PER CAPITA PER DAY** — Total average daily gallons of treated potable water divided by the estimated population.

**POTABLE WATER** — Treated water provided by the City that is suitable for drinking, cooking, and other domestic use.

**RAW WATER** — Water drawn from a reservoir or other water source before treatment.

**REBATE PROGRAM** — A program designed to encourage a permanent reduction in the amount of water used inside and outside of the home by establishing financial incentives.

**RUNOFF** — Water which is not absorbed by the soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. These standards do not apply to

stormwater runoff which is created by natural precipitation rather than human-caused or applied water use.

**SERVICE AREA** — All customers receiving water service from the City of Las Vegas water source.

**SHUTOFF NOZZLE** — Device attached to end of hose that completely shuts off the flow, even if left unattended.

**SNOW WATER EQUIVALENT** — The depth of water in the snowpack, if the snowpack were melted, expressed in inches.

**TREATED EFFLUENT WATER** — A nonpotable water source, which has been deemed acceptable for the intended use, by the state of New Mexico Environment Department.

**WATER WASTE** — The nonbeneficial use of water.