

51 Isabella Navarro and Matthew Padilla as Life Guards for the Town of Bernalillo Recreation
52 Department.

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54 Mayor Torres entertained a motion.

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56 Councilor Dominguez moved to approve the hiring of Alex Jacks, Isabella Navarro and Matthew
57 Padilla as Life Guards Human Recourses for the Town of Bernalillo. The motion was seconded by
58 Councilor Sisneros and the motion carried unanimously.

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60 **NEW BUSINESS: 7a) Discussion, Consideration, Action and Approval of**
61 **Memorandum of Understanding between the Town of Bernalillo and the City of Rio Rancho**
62 **for Water and Wastewater Services along the NM528 Corridor. Presenter: Maria Rinaldi**

63
64 **MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF**
65 **BERNALILLO AND THE CITY OF RIO RANCHO**
66 **FOR WATER AND WASTEWATER SERVICES ALONG**
67 **THE**
68 **NEW MEXICO 528/PAT D'ARCO HIGHWAY**

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71 **Whereas**, the Town of Bernalillo (Town) and the City of Rio Rancho (City) share municipal
72 boundaries within the corridor of New Mexico Highway 528/Pat D'Arco Highway (NM528);
73 and

74
75 **Whereas**, the Town and the City have a water system interconnection facility on the municipal
76 border of Nacelle Road and Camino Alto; and

77
78 **Whereas**, the Town is currently serving businesses within the City of Rio Rancho's
79 jurisdictional boundaries along the NM528 corridor with Town water and wastewater services;
80 and

81
82 **Whereas**, the potential exists for the Town to provide additional water and wastewater
83 services as development occurs within the City's jurisdiction, and

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85 **Whereas**, the Town has identified a need for commercial and residential water and wastewater
86 services within the NM528 corridor for which the Town is currently unable to provide water and
87 wastewater services; and

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89 **Whereas**, the City has water and wastewater infrastructure within the NM528 corridor
90 which could potentially serve these areas; and

91
92 **Whereas**, the cooperative efforts for the parties to provide water and wastewater services within
93 the NM528 corridor is mutually beneficial to the parties and in the best interests of the residents
94 and businesses within the communities.

95
96 **Now, Therefore**, in consideration of the premises and mutual obligations herein, the parties
97 hereto do mutually agree as follows:

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99 **Section One:** The Town of Bernalillo and the City of Rio Rancho agree to have their respective
100 Public Works Directors:

101
102 Identify availability of water and wastewater infrastructure within the

- 103 NM528 corridor
- 104 Identify areas currently served across jurisdictions
- 105 Identify areas not currently served by either jurisdiction Identify areas for potential
- 106 development which might be served by either jurisdiction
- 107 Review/amend utility ordinances and policies as necessary, specifically to address
- 108 cost, recovery, and return flow credits
- 109 Create evaluation criteria for determining which jurisdiction shall provide water and
- 110 wastewater service
- 111 Create and administer a joint application for water and wastewater service
- 112 Provide service to the property(ies) as identified by the Town or City.
- 113

114 **Section Two:** The Town of Bernalillo and the City of Rio Rancho agree to provide water and

115 wastewater services within the NM528 corridor regardless of municipal boundaries when both

116 parties determine such services are in the best interests of the residents and businesses within the

117 communities as follows:

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- 120 **Term.** The term of this MOU shall become effective on the date of execution
- 121 by all parties. Either the Town or City may terminate this MOU after five
- 122 years by delivery of a written notice at least 180 days prior to the intended date
- 123 of such termination. Either the Town or City may terminate with a thirty day
- 124 notice for failure to perform any obligation described herein. Neither party
- 125 may nullify or avoid any obligations incurred prior to termination.
- 126 The areas established for water and wastewater service by the Town or City
- 127 shall survive this MOU for services provided by the Town or
- 128 City.
- 129
- 130 **Access to Records.** The parties agree to provide access to each other of all
- 131 information, documents, reports, files or references that may be produced as a
- 132 result of the cooperative effort set forth herein.
- 133
- 134 **Liability.** Neither party shall be responsible for liability incurred as a result of
- 135 the other party's acts or omissions in connection with
- 136 this MOU. Any liability incurred in connection with this MOU is subject to
- 137 the immunities and limitations of the New Mexico Tort Claims Act, NMSA
- 138 1978, §41-4-1 et seq. (1976 as amended).
- 139
- 140 **Compliance with Laws.** In performing the services required in this MOU,
- 141 the Town and City shall comply with all applicable laws, ordinances and
- 142 rules of federal, state and local governments.
- 143
- 144 **Governing Law.** This MOU shall be interpreted in accordance with
- 145 the laws of the State of New Mexico.
- 146
- 147 **Agreement.** This document incorporates all agreements,
- 148 covenants and understandings of the parties hereto concerning the subject
- 149 matter hereof and such provisions are merged into this Agreement. This
- 150 Agreement shall not be altered changed or amended except by instrument in

151 writing executed by the parties hereto.

- 152
153 Notices. The parties agree that any notices or documents required under
154 this MOU shall be mailed or delivered to:

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156		
157	Town Administrator	City Manager
158	Town of Bernalillo	City of Rio Rancho
159	829 Camino Del Pueblo	3200 Civic Center Cir. NE
160	P.O. Box 638	Rio Rancho, NM 87144
161	Bernalillo, NM 87004	

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164 *IN WITNESS WHEREOF*, the parties have executed this Memorandum of
165 Agreement to become effective upon execution by both parties.

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167 Mayor Torres entertained a motion.

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169 Councilor Dominguez made a motion to approve the Memorandum of Understanding between
170 the Town of Bernalillo and the City of Rio Rancho for Water and Wastewater Services along the
171 NM528. The motion was seconded by Councilor Jaramillo and the motion carried unanimously.

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173 **NEW BUSINESS: 7b) Discussion, Consideration, Action and Approval of**
174 **Memorandum of Understanding between the Town of Bernalillo (TOB) and Eastern**
175 **Sandoval County Arroyo Flood Control Authority (ESCAFCA). Presenter: Juan Torres**

176 MEMORANDUM OF UNDERSTANDING

177 Between

178 TOWN OF BERNALILLO (TOB)

179 AND

180 EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
181 (ESCAFCA)

182 Regarding

183 CERTIFIED CHIEF PROCUREMENT OFFICER SERVICES

184
185 WHEREAS, the State of New Mexico Procurement Code requires each political subdivision to
186 have a trained and certified Chief Procurement Officer: and

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188 WHEREAS, the TOB is a municipality with a staff of full-time employees, including a trained
189 and certified Chief Procurement Officer [hereinafter CPO]; and

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WHEREAS, ESCAFCA has no full time or paid staff, but relies on contractors to provide staff-type services, and said contract staff cannot/should not perform the duties of a CPO; and
WHEREAS, TOB is willing and able to provide said duties for ESCAFCA; and

NOW TEREFORE, it is agreed between the parties as follows:

1. ESCAFCA will submit all procurement action to TOB CPO for compliance with the Procurement Code, NMSA 1978 §§ 13-1-28 through 13-1-199, as amended.
2. ESCAFCA will consult with the TOB CPO in advance of submittals to get guidance and establish a review and approval schedule.
3. ESCAFCA will provide the TOP CPO a list of expected procurement action in January of each year.
4. TOB will provide certified CPO services to ESCAFCA at no cost to ESCAFCA.
5. TOB CPO will provide a timely review and response to ESCAFCA of proposed procurement actions.
6. Coordination, communication, comments and resolutions of review comments may be in writing or orally, depending on the nature of the procurement action; however, if done orally, a written memo of comments and their resolution shall be kept on file by both parties for a period of time established by the TOB records management policy.
7. The TOB CPO will review all payments on a procurement to ensure that the procurement was followed. The payments will be reviewed in a timely manner agreed upon by ESCAFCA and the TOB CPO.
8. ESCAFCA actions to be exempt from review shall include the following:
 - A. Task Order/Work Orders procured by ESCAFCA pursuant to established consulting engineer or other professional service agreements already reviewed by the CPO.
 - B. Construction plans and specifications. However, the process of obtaining construction bids shall be reviewed and approved by the TOB CPO.

- 227 C. Routine annual renewals or multi-year agreements between ESCAFCA and it
228 contractors.
- 229 9. Disputes between the parties shall be referred to the Mayor of the Town of Bernalillo, who
230 may call upon such expertise as necessary to resolve the dispute. The Mayor's decision
231 shall be binding on both parties.
- 232 10. This Memorandum of Understanding shall be in effect as of the latest date signed by both
233 parties, and may be revised when needed due to changes to the Procurement Code, or as
234 agreed to by both parties.

235
236 Mayor Torres entertained a motion.

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238 Councilor Sisneros made a motion to approve the Memorandum of Understanding
239 between the Town of Bernalillo (TOB) and Eastern Sandoval County Arroyo Flood Control
240 Authority (ESCAFCA). The motion was seconded by Councilor Jaramillo and the motion carried
241 unanimously.

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243 **NEW BUSINESS: 7c) Discussion on the Town of Bernalillo Water Conservation**
244 **Plan. Presenter: Maria Rinaldi**

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246 Maria Rinaldi Capital Improvements Director stated in your packet you have a copy of the Town
247 of Bernalillo Water Conservation Plan. The plan will be adopted at the meeting of August 24,
248 2015. You will have a month to review the plan if you should have any questions please feel free
249 to call me.

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251 **FINANCIAL SECTION: 8a) Approval of Accounts Payable Voucher List.**

252 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
253 \$521,218.99.

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255 Councilor Jaramillo made a motion to approve the accounts payable voucher list in the amount of
256 \$521,218.99. The motion was seconded by Councilor Sisneros and the motion carried
257 unanimously.

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260 **MISCELLANEOUS SECTION: 9a) Public Comment.**

261 Bob C de Baca of 499 Sheriff Posse Rd came to voice his concerns about traffic and speeding on
262 Sherriff Posse Rd. Mr. C d Baca also read a letter from one of his neighbors Bernie Fly his
263 concerns are traffic, trash and speeding on Sheriff Posse Rd as well.

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265 Mayor Torres asked for Mr. C de Baca to speak with Tom Romero Chief of Police and Andy
266 Edmondson Public Works Director after the meeting to discuss traffic calming measures.

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268 **MISCELLANEOUS SECTION: 9b) End of Month Financials. Presenter: Juan Torres**

269 Juan Torres presented a General Fund Summary Report to the Governing Body. The expense
270 summary report has current budget, current period, YTD actual, YTD encumbrance, budget
271 balance, and percent of budget. There is also a Revenue Summary with the same information.
272 The report will assist the Governing Body with the information on each department's financial
273 status.

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276 **MISCELLANEOUS SECTION: 9c) Announcements. Presenter: Mayor Torres**

277 Mayor Torres stated that congratulations are in order for Carla Salazar. She has obtained 1,000
278 likes on the Town of Bernalillo's Facebook page. Carla continues to keep the page update with
279 events and news about the Town of Bernalillo.

280

281 Mayor Torres thanked the Town of Bernalillo Police Department and the Recreation Staff and all
282 other staff members that participated for successful Cops in the Park on Friday, July 10th.

283

284 Juan Torres stated that in August the consulting audit firm will be back to do work on the audit
285 finding.

286

287 Ida Fierro reminded everyone that on July 23, 2015 from 9:00 a.m.-2:00 p.m. is the workshop for
288 Budget Adjustments and Water Rate Study.

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290 Maria Rinaldi stated that the San Lorenzo Fiestas will be at Town Hall on August 8-10. We will
291 have a large carnival, music and food vendors.

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293 There being no further business, Councilor Dominguez moved to adjourn the meeting at
294 7:20 P.M. The motion was seconded by Councilor Sisneros and carried unanimously.

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297 Done this 13th day of July 2015.

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299

300 ATTEST:

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302 _____
Ida Fierro, Town Clerk

Jack S. Torres, Mayor

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303 (seal)