

New Mexico Finance Authority
207 Shelby St.
Santa Fe, NM 87501
(505) 984-1454

Minutes of the Colonias Infrastructure Board Meeting

April 21, 2020
Teleconference

Voting Members Present:

Doug Moore, Chairman	Senate Minority Leader Appointee
Oscar Vasquez Butler, Vice Chair	Senate President Pro Tempore Appointee
Marquita Russel, Secretary	New Mexico Finance Authority
Wesley Billingsley	New Mexico Dept. of Finance and Administration Designee

Voting Members Absent:

Mary Helen Garcia	House of Representatives Minority Leader Appointee
Orlando Antonio Carrillo-Jimenez	Speaker of the House of Representatives Appointee
Steven Deal	New Mexico Environment Department Designee

Non-Voting Members Present:

Jay Armijo	South Central Council of Governments Executive Director
Hubert Quintana	Southeastern NM Economic Development District Designee
Donna Maestas-De Vries	New Mexico Mortgage Finance Authority Designee
Leandro Cordova	NM Counties Designee
Priscilla Lucero	Southwest NM Council of Governments Executive Director

New Mexico Finance Authority Staff:

Bryan Otero, Legal and Compliance Counsel
Angela Quintana, Senior Program Administrator
Michael Vonderheide, Managing Director, Program Administration
Joe Maldonado, Administrative Assistant II

Guests:

Raquel Alarcon, City of Sunland Park	Esther Motongo, City of Anthony
Kristina Ortiz, City of Bayard	Marth Salas, City of Lordsburg
Richard Runyon, Dennis Engineering Co.	Jim Massengill, City of Deming
Alfredo Holguin, Wilson & Company	Robert Barrera, City of Lordsburg
Frank Madrid, City of Lordsburg	Ashley Martinez, Wilson & Company
Lilla Reid, Souder Miller & Associates	Ramses Ortega, Stantec Engineering
George Esqueda, Stantec Engineering	Richard Maynes, Stantec Engineering
Mario Juarez-Infante, Wilson & Company	

1. **Call to Order and Roll Call.** Chairman Doug Moore called the Colonias Infrastructure Board (“CIB”) meeting to order at 10:04 a.m. Roll call was taken, and a quorum was established.

Mr. Bryan Otero informed the Board pursuant to the Attorney General's guidance each agenda item will require a roll call vote because this meeting is being conducted via Teleconference due to the Covid-19 public health emergency declared by the Governor of the State of New Mexico.

2. **Approval of Agenda.** Member Butler made a motion to approve the agenda as presented, seconded by Member Russel. The motion passed unanimously by a 4-0 roll call vote.

3. **Approval of December 11, 2019, Board Minutes.** Member Russel made a motion, seconded by Member Billingsley, to approve the minutes of the December 11, 2019 meeting as presented. The motion passed unanimously by a 4-0 roll call vote.

4. **Consideration and Approval of Open Meetings Act Resolution:** Presented by Mr. Bryan Otero, NMFA Legal and Compliance Counsel.

Mr. Bryan Otero presented the Open Meetings Act Resolution required to be reviewed and adopted annually by the Board. Such requirements of the Open Meetings Act include posting a notice of the meeting 10 days prior to a meeting and posting the agenda within 72-hours of the meeting being held.

Member Russel made a motion, seconded by Chairman Moore, to adopt the Open Meetings Act Resolution as presented. The motion passed unanimously by a 4-0 roll call vote.

5. **Consideration and Recommendation of Request for Time Extension:** City of Anthony ("City") Project. No. 4104-CIF17. Presented by Ms. Angela Quintana, NMFA Sr. Program Administrator.

The City secured funding on March 30, 2018, for a Flood Control project in an amount not to exceed \$132,500 (90% grant/ 10% loan). The approved scope of work is for the design of the South Anthony Arroyo from I-10 to NM-460 including ROW determination. The current balance is \$132,500.

At the time of the application submission, the City committed the required 10% match with local funds to complete the project. The City later sought additional funds from the NMED-Clean Water State Revolving Fund ("CWSRF") for planning and design of the South Anthony Arroyo "multipurpose recreational flood control project". The City was awarded \$275,000 (\$220,000 loan/ \$55,000 grant) from the CWSRF. With the now combined funds (Colonias and CWSRF), the project was delayed pending execution of the CWSRF agreement and experienced additional delays in the RFP process which began in late 2018.

In November 2018, the City passed a GO Bond which provided \$500,000 in Parks Improvements. The City Board of Trustees directed staff to allocate funds towards the Adams Park Master Plan. The new direction of the City further delayed the Colonias project. The Master Plan would define the recreational elements to be integrated into the South Anthony Arroyo flood control project.

In March 2019, the City contracted with Wilson & Company to begin the planning phase of the CWSRF portion. The planning documents were completed and approved as of March 31, 2020. The

City is requesting an extension to December 31, 2020 (9 months) to begin and complete Project No. 4104-CIF17.

The Project Review Committee has reviewed this request and by majority vote, concurs with staff's recommendation with one-member voting against.

Staff does not recommend approval of a time extension request for Project No. 4104-CIF17.

Board members expressed concern on the lack of progress of this 2017 project as well as changes from the original intent of a design for a flood prevention project to an expanded project that includes parks and playgrounds.

Ms. Esther Montogo, from the City of Anthony emphasized to the Board that although there was a delay, the scope of the project had not changed from flood prevention but included additional aspects of flood prevention within the City's prioritizations. Chairman Moore responded that the Board in 2017 awarded projects that were deemed shovel ready and could be completed in a timely manner and if not done so, the Board would rescind the funds and reallocate to another project for another applicant in the current Funding Cycle.

Mr. Mario Juarez-Infante with Wilson & Company commented on the expansion of a flood control project and that it should include future uses such as recreational facilities as well as the City's intent to leverage additional funds.

Member Russel made a motion, seconded by Member Butler to not approve the time extension request for the City of Anthony for Project No. 4104-CIF17. The motion passed unanimously by a 4-0 roll call vote.

6. **Consideration and Recommendation of Request for Time Extension:** City of Lordsburg ("City") Project No. 4134-CIF17. Presented by Ms. Angela Quintana, NMFA Sr. Program Administrator.

The City is requesting a time extension for Colonias Infrastructure Fund award 4134-CIF17.

The City secured funding on September 29, 2017, for a Roads/Drainage Infrastructure project in an amount not to exceed \$555,867 (90% grant/ 10% loan). The approved scope of work is for construction, including drainage improvements and resurfacing of Mountain View Road. The remaining balance is \$67,368.81.

In August 2019, the Colonias Board approved an extension to January 29, 2020 (4 months). The City issued the Notice to Proceed in September 2019 with an estimated completion date of December 30, 2019. Due to inclement weather in late November, the contractor was unable to fully complete the project prior to the January 29, 2020 deadline. To date, the City has completed all construction including the drainage channel. The remaining scope includes the installation of fencing along the drainage channel and lift station.

The City is requesting a three-month extension from the current expiration date of January 29, 2020, until April 29, 2020, to complete the awarded project.

The Project Review Committee has reviewed this request and concurs with staff's recommendation approving an extension from January 29, 2020 to May 29, 2020, to complete Project No. 4134-CIF17.

Member Butler made a motion, seconded by Member Russel, to approve staff's recommendation for an extension to May 29, 2020 for the City of Lordsburg Project No. 4134-CIF17. The motion passed unanimously by a 4-0 roll call vote.

7. **Consideration and Recommendation of Request for Time Extension:** Casas Adobes Mutual Domestic Water Consumers Association ("Association"). Project No. 4135-CIF17. Presented by Ms. Angela Quintana, NMFA Sr. Program Administrator.

The Association is requesting a time extension for Colonias Infrastructure Fund award 4135-CIF17.

The Association secured funding on December 1, 2017, for a Water Infrastructure project in an amount not to exceed \$517,500 (90% grant/ 10% loan). The approved scope of work is for design and construction including a new water tank, automating the system and purchase of water rights. The remaining balance is \$260,275.35.

In August 2019, the Colonias Board approved an extension to May 1, 2020 (5 months) to complete replacement of the water tank and installation of the fill-line; the Association solicited bids soon after. The bids exceeded the available funding which required the project to be redesigned and repackaged. Once the redesign was completed and approved, the project was rebid and awarded on March 4, 2020. The Association anticipates substantial completion by late August 2020.

The Association is requesting until October 1, 2020, five months from the May 1, 2020 expiration date to complete Project No. 4135-CIF17.

The Project Review Committee has reviewed this request and concurs with staff's recommendation.

Staff recommends approval of an extension from May 1, 2020 to October 1, 2020, to complete Project No. 4135-CIF17.

Chairman Moore made a motion, seconded by Member Russel, to approve staff's recommendation for an extension to October 1, 2020 for Casas Adobes Mutual Domestic Water Consumers Association Project No. 4135-CIF17. The motion passed unanimously by a 4-0 roll call vote.

8. **Consideration and Recommendation of 2020 Colonias Infrastructure Project Fund Waiver Requests:** Presented by Ms. Angela Quintana, NMFA Sr. Program Administrator

Consideration of requests from 2020 Colonias Infrastructure Fund (CIF) applicants for waivers to CIF policies.

On August 21, 2019, the Colonias Infrastructure Board ("CIB") approved the timeline for the 2020 application cycle. The timeline provided target dates for policy and regulatory compliance to applicants. The compliance deadline date was March 12, 2020.

Staff sent notices of non-compliance with regulatory and policy compliance to applicants on February 27, 2020. Applicants were given an opportunity to: 1) become compliant by March 12, 2020; 2) remove their application and correct compliance issues in preparation for the next funding cycle; or 3) request a waiver from the Colonias Infrastructure Board.

Staff received two Project Continuation policy waiver requests and one request for match waiver consideration. Section 1.3 Project Continuation requires applicants that have received prior fund awards to certify completion of all projects prior to approval of a new award for funding unless the new project will cure a condition considered Urgent. The Policies require that the remaining sum of any prior award(s) not certified as complete must be less than 50% of the awarded total for all awards from prior years. Awards from the most recent application cycle (2019) are excluded from this calculation.

Section 2.3 Funding Match Obligation requires entities to demonstrate commitment to the project in the form of a local match. The Policy also allows applicants to borrow additional funds in lieu of the required match.

Below are the applicants with their requested waivers and staff's recommendation:

a. City of Bayard (5159-CIF) Roads/Drainage Infrastructure Project (Project Continuation)

Waiver Request: Project Continuation Policy. Justification: The City has a 2018 project (\$171,000) with the full balance remaining (\$0 expenditure). The City has submitted complete design documents to NMED and anticipates construction beginning in June 2020 with project completion by August 2020.

NMFA staff does not recommend approval of the request. The Project Review Committee has reviewed this request and concurs with staff's recommendation.

Member Russel made a motion, seconded by Chairman Moore, to concur with staff's recommendation not to approve a project continuation waiver for the City of Bayard Project No. 5195-CIF. The motion passed unanimously by a 4-0 roll call vote.

b. City of Deming (5164-CIF) Solid Waste Project (Project Continuation)

Waiver Request for Project Continuation Policy. At the time of the compliance deadline, the City had an open 2018 project (\$458,045) with a balance of \$278,012.26 (40% expenditure) which did not meet the policy compliance deadline date of March 12, 2020. The City certified completion of the project as of March 27, 2020.

NMFA staff does not recommend approval of the request. The Project Review Committee has reviewed this request and by majority vote, concurs with staff's recommendation with two-members voting against.

Member Russel made a motion, seconded by Member Butler, for discussion purposes.

Chairman Moore asked staff what the timeline was from the project continuation deadline to the project completion date and if the 2020 application was a continued phase or stand-alone project.

Ms. Quintana indicated that it was approximately two weeks. Mr. Jim Massengill, City of Deming, indicated that the 2018 project was a wastewater project and the 2020 application is for a stand-alone solid waste project. Mr. Massengill informed the Board that there was a delay in final paperwork and invoices that prevented the City from meeting the Project Continuation deadline.

Motion and second was made to concur with staff's recommendation not to approve a project continuation waiver for the City of Deming Project No. 5164-CIF. The motion passed unanimously by a 4-0 roll call vote.

c. San Antonio MDWCA (5186-CIF) Water Infrastructure Project (Match Waiver)

Waiver Request asking for Funding Match Obligation. Per Section 2.3 Funding Match Obligation Policy, the applicant can borrow additional funds in lieu of a local match.

The Association indicated that they are willing to take on an additional loan in lieu of the required match component. NMFA staff does not recommend approval of the request. The Project Review Committee has reviewed this request and concurs with staff's recommendation.

Chairman Moore made a motion, seconded by Member Butler, for discussion purposes.

Ms. Quintana clarified that the policies allow for additional loan in lieu of match, and that the recommendation is to deny the match waiver and allow San Antonio MDWCA to proceed with taking on an additional loan in lieu of the match if the project is funded.

Chairman Moore made a motion, seconded by Member Russel to concur with staff's recommendation to not approve the match waiver but to allow the San Antonio MDWCA to take on an additional loan in lieu of the match component. The motion passed unanimously by a 4-0 roll call vote.

9. **2020 Colonias Infrastructure Project Application Presentation Handouts:**

Staff included handouts provided by applicants for informational use only.

Chairman Moore asked staff to schedule a Policy Committee to look at planning, match and loan requirements.

10. **Public Comment:** No public comments.

11. **Next Meetings:**

- May 11, 2020, 10:00 a.m. Project Review Committee (Teleconference)
- May 20, 2020, 10:00 a.m. Colonias Infrastructure Board (TBD)

12. **Adjournment:**

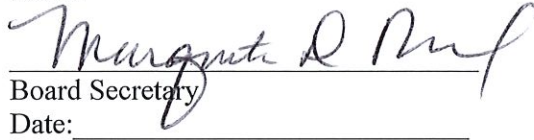
Member Butler made a motion to adjourn, seconded by Member Russel. The motion passed unanimously by a 4-0 roll call vote.

The meeting adjourned at 11:07 am.



Chairman
Date: _____

Attest:



Board Secretary
Date: _____