

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, SEPTEMBER 13, 2023

A. CALL TO ORDER:

The meeting was called to order by Mayor Amanda Forrister at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Amanda Forrister, Mayor
Hon. Rolf Hechler, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Shelly Harrelson, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Kristie Wilson, Finance Director
Luis Tavizon, Chief of Police

There being a quorum present, the Commission proceeded with the business at hand.

2. SILENT MEDITATION:

Mayor Forrister called for fifteen seconds of silent meditation. She asked that everyone keep the Gomez family in your thoughts and prayers, she also asked everyone to remember 911 which just occurred.

3. PLEDGE OF ALLEGIANCE:

Mayor Forrister called for Mayor Pro-Tem Hechler to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Hechler moved to move item H1 directly under public comment. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS:

1. Presentation of City of Truth or Consequences Employee Service Anniversary Awards:

City Manager Gonzales presented an Employee Service Anniversary Award to Martin Madden for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Jaffee Blomquist for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award on behalf of Priscilla Fuentes for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Brendan Anglin for 1 year of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Thomas Bobelu for 8 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Wesley Myers for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales presented an Employee Service Anniversary Award to Steven Smith for 3 years of service with the City of Truth or Consequences.

City Manager Gonzales and City Clerk Torres presented an Employee Service Anniversary Award to Lisa Gabaldon for 5 years of service with the City of Truth or Consequences.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Dean Lamana addressed the Commission with comments related to MainStreet T or C upcoming events:

- The Foch Street improvements project is in progress. They have received a letter of support from the City Manager and they have submitted the grant request on August 31st. We expect to receive grant feedback within the next few weeks.
- Their World Clean Up Day Litter Pick Event will be coming up on Saturday, September 23rd to start at 9:00 a.m. at the Healing Waters Plaza. The related trashcan transformation art project is already underway. They have students from Tigers Unidos painting one of the bins, and they are also volunteering at the event. His partner in crime Cathy Meiers-Martin, and Co-Executive Director spoke at the Rotary Club yesterday to highlight the event and the social media response has been very enthusiastic. He asked that the Commission go out for this event. Any kind of support is really appreciated.

- Their Halloween and Old-Fashioned Christmas Events are in the very active planning stages. They have just collected surveys from various downtown businesses containing suggestions for the yearend holiday event in particular, and they have additional updates on this at their next briefing.
- The Recycle Art Show which is set for November 4th to November 16th is well on track. They have 5 artists currently signed up, and they expect to have another 15 signed up within the next couple of weeks. It is shaping up to be a terrific high visibility project for the city that they are working on in collaboration with the Bountiful Alliance Recycling Committee and the Sierra County Arts Council. They are looking at advertising the event to draw more people into town for this as well.
- The local economic assistance and development support project which is designed to help our business operators improve their sales efforts through social media channels and online marketing is moving forward and they are looking at scheduling the workshops for January and February. This is a great project for our business people who may not be social media savvy and who may not even have a website to market their businesses so they are looking forward to getting that started.
- The business spotlight column that they are doing at the Sierra County Sentinel is getting great feedback.

Item H1 was moved after public comment.

H1. Discussion/Update: Office of the State Engineer (OSE) Order 198 Hot Springs Underground Water Basin.

Office of the State Engineer (OSE) Team: Cheryl Thacker, Water Resource Manager, Dr. Katie Zemlick, Hydrology Bureau, Craig Cathy, Las Cruces District Supervisor

Office of the State Engineer (OSE): They issued an Order on July 5th to close the Hot Springs underground water basin to new appropriations, and what that means is that a person can come in and file for a domestic well, which would be for a one-acre flood zone foot per annum which is essentially about 326,000 gallons a year. People can come in and file an application for that, and typically those take 2 weeks at most to approve, as long as there are no moratoriums with the city that prohibit where they issue those permits. So the measure would not inhibit the ability of individuals to apply for residential permits, nor will it prevent current hot springs establishments or present commercial users from drilling replacement and or supplemental wells. They know there are questions about what it does, but essentially there have been applications for minimum appropriations within the Hot Springs basin. Those applications have been referred to their hydrology departments, and they evaluate them for impairment to ground water, as well as surface water. The OSE thought it appropriate to go ahead and close the basin to new appropriations, and it is important to note that they are not restricting folks who have groundwater rights or surface water rights from drilling wells. Ground water rights specifically. This is for new appropriations. So if a person has a ground water irrigation right, or a commercial right that exists at this point, and they need to drill a new well, as a

supplemental well for instance, they are welcome to come in and file an application for a replacement or supplemental well, but what we are saying essentially is that you have to have an established vested groundwater right to go ahead and drill the well.

Commissioner Mitchell: What was the impetus behind closing the Hot Springs Well District. Was there data or research done?

Office of the State Engineer (OSE): The OSE hydrology department evaluated these applications. There has been many applications filed for new appropriations of ground water within the Hot Springs Basin and once those applications had been referred to the hydrology department, they looked for impairment to surface water flows and ground water, and it was found that there was impairment to existing water rights, surface as well as ground water rights, so after all of the evaluation, the state engineer decided, with our help, to close the basin to new appropriations because we found that there is just not enough water to support new applications because all of the water has been appropriated now.

Commissioner Mitchell: So, what you are saying is that you guys have determined that there is an exact amount of Hot Springs water that is already allocated to people who currently have permits, so you are denying future permits because that water has already been allocated?

Commissioner Fahl: It is over appropriated already? But you just said that you can drill more wells, so that is why it is confusing.

Office of the State Engineer (OSE): It is not over appropriated, but this is not just for the hot water. It includes the cold water and all of the aquifer. All of the ground water that is in that basin. All of the water has been appropriated, and has been spoken for, so essentially there is no extra water to appropriate for someone else.

Mayor Forrister: How did you guys come to that conclusion. What were the studies done on that, and can we see them?

Office of the State Engineer (OSE): The Hot Springs Basin has been closed and re-opened several times historically. The most recent analysis was based essentially on a negative opinion with new applications. One of our hydrologists investigated in particular, re-charge rates in the Hot Springs Basin and that is essentially any new water that might enter the system, and they compared that to existing appropriations, and that mass balance indicates that there is no extra/new water available for appropriations. So, what that means is with the existing permits, you can essentially move water around. You can lease water, or drill supplemental wells, but there is no new water for appropriation. I think that it is widely known that there is not a lot of extra water so that was the impetus for the closure.

Commissioner Harrelson: Can you give me the exact date that study was done, and how long ago it was done?

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Office of the State Engineer (OSE) sent the Memorandum to the City Clerk to distribute to the Commission.

Commissioner Fahl: So, you are saying that all of the water is appropriated, so is adjudicated or is it just appropriated?

Office of the State Engineer (OSE): It is not adjudicated. It is just appropriated. I think it is important to note that the reason why we are doing this is to protect the resource as it exists. We just want to make sure that the existing water right holders aren't impaired by new appropriations.

Commissioner Fahl: So, it is all appropriated, but people can still drill for domestic wells?

Office of the State Engineer (OSE): That is correct.

Commissioner Fahl: You just said that all of the water was appropriated, so if it is all appropriated why are people still able to drill? That doesn't make any sense. You are saying that the water already belongs to somebody, but you are still going to drill wells.

Office of the State Engineer (OSE): It is important to note that there was a court case called the Bounds Case in the Mimbres Basin which is near Silver City, and what that determined is that the State Engineer does not have the ability to not issue well permits. (*Copy of Bounds Case attached hereto and made a part hereof*). We have to do that, but beyond that it is really important to note that it is only 1-acre ft. and in lawyer terms it is called "De minimis" and it is only 326,000 gallons per year, and it also exhumes that a good bit of that is returned to the system because it is for domestic use, and it is not a huge depletion.

Mayor Forrister: I guess to clarify on who this affects, so somebody buys a piece of property, and they are going to put a house on it, they can drill for a domestic well at 1 acre ft., but they can't put in an irrigation well or a hot spring if they have a 1-acre ft.

Office of the State Engineer (OSE): They can use that for personal use. It is not for commercial. If they want to build a house, they may file a permit application.

Commissioner Harrelson: I have a deep concern that this is a 20-year-old study, and we have had a lot of changes in our environment in the last 20 years, and I don't understand why you are still continuing with this type of a Moratorium when we have a 20-year-old study at hand. We always are going to keep up with the most recent data, and that is most definitely not the most recent data.

Mayor Forrister: So, what is the end goal here?

Office of the State Engineer (OSE): Again, it is to preserve the resource.

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Commissioner Fahl: Was the study done of the entire basin? Did you have monitoring wells?

Commissioner Mitchell: Is every well in the Hot Springs Basin metered?

Commissioner Fahl: No.

Commissioner Mitchell: So, then how do we have an accurate understanding of the data, and how much water is being used per well, per the whole basin?

Office of the State Engineer (OSE): it is based on existing water rights. It is based on the maximum allowable pumping for every water right.

Mayor Forrister: I get that. You are saying that the water rights are tapped, but how many people are not actively using their water rights?

Commissioner Fahl: Ag producers have been metered since 2006, but we have commercial Hot Springs Districts that are not being metered, so if every well isn't metered, then how are you coming to this conclusion?

Office of the State Engineer (OSE): It is the policy of our agency and our bureau to examine a worst-case scenario, which is that every existing water right, if it is potentially used, what does that mean for the balance of the hydrologic system. I'm sure there are cases where people are not using their full amount, but based on our constitution, in a way that water rights are administered, this is the worst-case scenario to avoid a situation in which we underestimate what people are using in a system that has a limited supply.

Mayor Pro-Tem Hechler: Do you keep statistics on the wells that are active vs. the wells that are inactive, and is that incorporated in your decision?

Office of the State Engineer (OSE): Yes, we do. Again, it is about the water right, rather than the well. The water right can be diverted from a supplemental well, or from an additional point of diversion, so it is about the rights rather than the well. Although we do compare them both. We think it is important to note that we are not trying to be punitive. We are just looking at the existing water right owners, and making sure that they are protected. For instance, if you are a mineral bath owner, or spa owner in Truth or Consequences, we want to make sure that you are protected, because they are a water right holder, so we want to make sure that they are not impaired by a new appropriation. Our job as the State Engineer is to protect the resource. If there is an owner of a spa, and they know that someone comes in and doesn't have a water right, and applies for a new appropriation, and we know that is going to cause impairment, that is wrong on our part and we just can't allow that. We are trying to protect the water right owners in the Hot Springs basin.

Commissioner Fahl: So you are saying that this order just applies to commercial and ag producers, but a domestic well, they can do whatever they want, because you just said,

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people who want to do a domestic well can drill, but if a commercial bath house wanted to put in a new well, and the only other use in that area would be for our ag producers, they are not allowed to put in new wells, is that what you are saying?

Office of the State Engineer (OSE): That is not correct. If a farmer or ag who has an existing water right that is in good standing needs to drill a new well, whether it be a replacement well, or a supplemental well, they can go ahead and drill a new well with a permit.

Mayor Forrister: I guess my concern personally, would be hindering us for development within our city if somebody wanted to come in and say, put a car wash in, they are not going to be granted that. Is that correct?

Office of the State Engineer (OSE): They can purchase a water right from someone else and transfer that water right in, but if I am a water right owner in the city, and someone else wants to file a new appropriation, and that new appropriation is going to affect my business... If you guys had a business in there, wouldn't you take a dim view of somebody impairing your water rights? That is the important thing, and that is what we are seeing.

Mayor Pro-Tem Hechler: If someone is wanting to develop a multi-family housing unit, is that considered domestic or commercial?

Office of the State Engineer (OSE): That would be considered commercial.

Mayor Pro-Tem Hechler: So, we are going to stop all commercial new drilling?

Office of the State Engineer (OSE): No. If someone wants to purchase a water right from someone else, then they can. There is only a certain amount of resource, so you certainly don't want to impair others.

Mayor Forrister: When are we going to look at this again? How long is this re-charging happening, and if it is improving, when are we going to re-visit the situation?

Office of the State Engineer (OSE): Again, unless there is a huge change in the aquifer, and the hydrology, the state engineer believes that this is necessary.

Mayor Pro-Tem Hechler: What happens to water wells that haven't been used in a long time. Do you reclaim those wells and the water rights?

Office of the State Engineer (OSE): We will evaluate that on a case-by-case basis, so if someone comes in with an application, the state engineer takes jurisdiction and we evaluate that water right. So, it is difficult to say one way or another.

Mayor Pro-Tem Hechler: If it is taken back, can it be re-allocated?

Office of the State Engineer (OSE): Again, we need to look at it on a case-by-case basis. It is difficult to have hypotheticals.

Mayor Pro-Tem Hechler: It is just difficult at a time when this community is growing that we are going to lose the opportunity to get access to water, and I understand that there is only so much water.

Office of the State Engineer (OSE): Right. I think you need to think about the businesses who exist. Are you willing to impair those businesses. We as a state agency, our job is to be sure that there are no impairments or depletions to the Rio Grande.

Commissioner Harrelson: You haven't yet to tell us that there is proof that you have seen that. There is no data. You have some sort of guesstimate on the drills that are already out there that exist, but there is no proof that we are doing that.

Office of the State Engineer (OSE): That is incorrect. That is factually false because Dr. Zemlick and her Bureau has looked at that, and has taken the position.

Commissioner Harrelson: No one has said anything about this. Nobody has given us any exact numbers or data. You just keep saying, we've done this, we've done that. We have no data. You have yet to tell our community about that.

Commissioner Fahl: I think that will make the community feel like this is based on science, rather than conjecture.

Office of the State Engineer (OSE): Our hydrology department has taken a close look at this. Dr. Zemlick is very, very able, and we have data.

Commissioner Mitchell: I think what they are saying is that it is based on water rights, so you are allocated X, Y, Z. If they move forward, if there was a way that they could actually meter all of the wells and come up with accurate information, yeah that is one way, but I guess I understand what they are saying in a sense of it being based on an estimation or the studies that they have done in the past. That is what I'm getting, but I would feel more comfortable if we knew exactly how much water each well is using or not using. Not just on a case-by-case basis.

Mayor Forrister: At what rate are we re-charging?

Commissioner Fahl: I don't believe that we are getting a 100% re-charge. That is not feasible at all.

Mayor Forrister: That is the information we would need to know.

Office of the State Engineer (OSE): The study is attached to the chat, so that would probably be good to read prior to this meeting, but there are many basins that are closed in the state because this is a problem that we have as a state. We have a limited resource, and we have a lot of interest in using it, and we don't want to get into a situation where

that resource is depleted beyond repair. The re-charge is a very uncertain parameter in hydrologic system. We have looked at numerous applications for new appropriations, and in every case, there are effects to the river and neighboring wells. So, we can continue to give those negative opinions with new applications, but what we are saying is that we know that will continue to be the case, and that is the emplace for the closure, to protect existing water users and to protect the resource. There are a lot of factors that go into understanding the science of hydrology, and in this case, there was just a procurance of evidence that any new appropriation would continue to effect both the resource and existing water rights in a negative way. We are actively administering the basin and this is part of that metering process.

Commissioner Fahl: Some people from your office virtually came to this Commission about a year ago, and your staff told us that there were commercial hot springs wells that are not currently being metered, which by statute from 2006, so that is almost 20 years that they have been pumping, regardless of what the statute and their water rights are so we would hope that you would put some emphasis on those wells and get them metered so that they are equal with the other people that are metered.

Office of the State Engineer (OSE): We can't speak to what they mentioned, but it is something that we take seriously. We think everyone knows that the water quality in the warm water wells in the hot water district makes metering those wells tough. It is tough to find a meter that will work under those conditions, and it is a challenge to keep those meters active, and accurate. We have a pretty robust water master staff that administers the lower Rio Grande Hot Springs and Los Animas metering order, and they are in communication with those hot water well owners in that hot water district so if something isn't metered, there is a reason. Perhaps the well is no longer producing. It has been capped. They may have a variance or they are going through a transition where they are trying to find another meter that will work under that situation.

City Attorney Rubin asked the Office of the State Engineer (OSE) if they would be willing to give the Commission a chance to review the study and then come back to answer any questions. The Office of the State Engineer (OSE) agreed.

E. REPORTS:

City Manager Gonzales reported the following:

- She introduced the city's new Lobbyist to the Commission so they can give a brief presentation.

City Lobbyist, Kathy Elliot, Civility Government Relations: They appreciate the city's confidence in them, and allowing them to work with the city on more water issues, and other things that they can work with on our legislature. They met the Chief of Police, and found out that the city has a law enforcement facility that you are working on, and trying to remodel, and you are going to be needing some funds for that. We will put that on the list of things for us to do. They are not from this region, but they have a past with Angie

and some other Lobbying situations that they have done for other counties. They were absolutely thrilled to find out that the city entrusted them with the opportunity to work with the different legislators in the state, and find out what they can do for the city's needs.

City Manager Gonzales continued her report:

- There will be a golf scramble to support Open Arms Pregnancy Center on October 14th. It will be a 4-person scramble. There are also sponsorships, so if you want to be a sponsor, please contact Rick Artman at the T or C Golf Course.
- We will have a ½ price pet adoption event this Saturday from 11:00 a.m. to 2:00 p.m. at Tractor Supply. We appreciate Tara, and her great staff for their love of the animals that she takes care of here in Sierra County. Please go by Tractor Supply and check out the event.
- September is recovery month. Please come and celebrate next Wednesday at the Civic Center from 5pm to 8pm. Addiction affects every single family in this state. Every one of us has been touched by addiction. New Mexico is #1 on the state with the most drug use. Let's stop this. Let's lift our people, and our families and our community up, and let's join the festival of hope and recovery, and celebrate our people as they are moving up, and moving forward, and moving close. Let's stop this, and let's quit being #1 on some of these things.

City Attorney Rubin reported the following:

- There was a lawsuit filed against the city about a year ago by Erica Baker. She was serving in the Police Department. She filed suit and made certain allegations regarding her employment with the city. The suit was filed, and the city was represented and defended by the New Mexico Self Insurers Fund. We had a settlement conference a couple months ago, and the NMSIF elected to reach a resolution with Ms. Baker and her attorney and it has taken a little while to get the paperwork all taken care of and submitted, but it is now finalized.
- We have been having discussions about the property at 630 Charles Street. We had a closing on that case where that property has now been bought by someone else and the city's lien has been fully paid, so from a legal standpoint we are out of it at that point. He understands that the new property owner is diligent in trying to protect the property.

City Commission Reports:

Commissioner Mitchell reported the following:

- She gave a shout out to the Hot Springs High School Academic Challenge Team. We took 1st place in our district at our 1st competition. She didn't know half of the answers and the kids knew them. JV and Varsity both took 1st place. It was very prodigious for us.
- We also have an advanced placement in Environmental Science who is going to be attending the Water Symposium in Farmington on November 3rd. They will be representing Hot Springs High School, and doing water quality surveys, trying to help our water crisis problems in the State of New Mexico. We are also partnered

with New Mexico Tech and their geology and hydrology department. New Mexico Tech will be coming here surveying a sample of our Hot Springs wells, and checking for water quality, temperatures and all that kind of stuff. Our students are actually engaged in what we were just discussing. Our students at Hot Springs High School are actively working on that, and she thinks that is super impressive.

- There will be a fashion show at El Cortez theatre on Thursday, September 21st. It is from the makers market, and it is going to be fun.
- She also gave a shout out to the litter pick clean up. She is giving her environmental science kids extra credit if they participate, so we will see how many will show up. She encouraged the community to get involved. She has been doing them with MainStreet for years, but it is just really good to get out there and show some pride in your community. She expects Mayor Pro-Tem to be right there with her picking up litter.

Commissioner Fahl reported the following:

- She thanked Arnie and his crew. The changes in water leaks in the community are phenomenal. She was at a meeting that City Manager Gonzales attended, and she noted that we had 16 leaks as of that day, and there were 60 leaks just a few months ago, so that is just a testament to how hard those guys are working. That's amazing.
- She attended a public meeting with the Flood Commission Office. They were trying to get some feedback with the community on what their office can do. They stated that they wanted to work on projects within the city because that is where a lot of their funding comes from. She suggested that we need to get a coordinated meeting with their office and the county, and village. They are all going to be impacted on Cantrell. They all have different sources of money, and I think together we can get further and achieve more by partnering up with all of them. They certainly have concerns. They were greatly impacted by what happened when that flooded, and they will benefit from anything that we can do together. Sandy Jones Office with the Flood Commission does have quite a bit of money and access to other funds so she thinks that will be a good partnership.
- The New Mexico Dam Water Coalition is next month. It is going to be at the Isleta Resort and Casino. It is a 3-day conference, and she encouraged the Commission to attend. It is a jam packet conference, and as she said before, we are the ones who own those dams. Our staff doesn't. Our engineering firms don't, and if something happens, it's us who are going to be sued. She believes there are legitimate concerns about our structures, and we need to get more proactive in taking care of them, but you can really learn a lot.
- She asked City Manager Gonzales what is going on with the streets on McAdoo or Jones?

City Manager Gonzales: It is on McAdoo. We are working with the engineer and the contractor on getting that done. There were some leveling issues on the sidewalks, and now there are puddles. There has not been any movement. I have been doing some

work with the project manager and engineer so I can make sure that it doesn't get slipped through. It will get taken care of. I was taking pictures of it this morning.

Commissioner Harrelson reported the following:

- She hoped that the community felt as stressed as she did about the last presentation, and we have more people coming in on the next meeting. This is the community against the state and we are really going to have to pull together as a community to get done what needs to be done in the best interest of our community, not what is in the best interest of Santa Fe.
- We have a volleyball game on Saturday at 1:00 p.m. We are doing great this year. Please go and show your support.
- There will be a football game this Friday night at 7:00 p.m. Please go out and support them as well.
- The State of New Mexico PED has a level up reading challenge going on for our community. They are trying to lift the reading scores individually for each kid, and kids have the opportunity to become a billboard for New Mexico, and we want T or C children to be lifted, and to be on billboards in New Mexico. So lets support kids in reading in any way we can. We have a lot of great things happening in T or C, and we need to make sure that when we are blogging or writing journalist, we need to make sure that we are writing good things about T or C so people want to come here. We have a great community, and we need to make sure that we highlight that, not the negative parts that every community has. She knows it is more fun to write about negative stuff, but we really need to think about what we are doing.

Mayor Pro-Tem Hechler reported the following:

- He and Commissioner Fahl attended the Colonias Infrastructure Board Meeting yesterday. It was very informative. It is nice to have those people in our community that can potentially provide support and resources to us, so he was able to thank them for their previous support for the MSD Street Projects and the Cantrell Dam Project. He also asked for their support for the critical water line replacement projects that we are always facing. He thanked Traci and Angie for all of the work that they have done in the last year with the Water Trust Board and applications with the USDA grant that we are looking at now. We need to shake every leaf and every tree to find as much water as we can, and it is nice that we are consistently applying for grants and doing other things to try and get our water lines replaced. He thinks that is the biggest negative economic issue we have for this community. We've got to get those water lines fixed so he appreciates the efforts we do to apply for those grants to get those things done.
- He has had several meetings with citizens over the past week or so, talking about anything to Main Street to our potential new Recreation Center.
- He thanked Bo Easley for jumping into the middle of things and finding Nate Stephens a couple of transformers. We just ordered transformers. They are 5 or 6 months behind, but Bo was able to find some smaller transformers which worked and he was able to work with the contractor over there to get those things

installed. He appreciates the extra effort. He thinks it is important to take care of our people that are moving our community forward.

- He thanked Arnie as well. We had Ms. Schooley come in a few weeks ago with issues she had with her sewer backup and things of that nature, and Arnie was able to go over there and install a backflow preventor which we hope solved that problem. We haven't heard from Ms. Schooley, so he thinks it solved the problem.

Mayor Forrister reported the following:

- She commended her fellow Commissioners for doing a great job highlighting all of the things that need to be said during our meeting. We do have 16 water leaks, but look at the positive of what the staff is trying to do to address that. We can dwell on those 16 water leaks, or we can look at the fact that they are really trying hard to find solutions for those, and she appreciates that.
- Our Governor did put in an Executive Order that was unconstitutional, so she would urge the city to really look at a resolution affirming support for our right to bear Arms as citizens, and she is going to continue to follow up with that, and hopefully we will have a resolution to present at the next meeting.

F. CONSENT CALENDAR:

1. **City Commission Regular Minutes, August 23, 2023**
2. **August Accounts Payable**

Commissioner Fahl moved to approve the Consent Calendar as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. PUBLIC HEARINGS:

1. **Public Hearing/Discussion/Action: Approval to submit the USDA Grant Application for Water System Performance Improvements 2 (WSPI2) and authorization and approval for the City Manager and/or Mayor to execute, sign, and submit the required and requested documents related to the USDA/RUS application.**

Traci Alvarez, Assistant City Manager: USDA has Colonias funding potentially available at the tail end of their funding season, otherwise we would like to potentially get into the beginning of their funding season for some Colonias funding through USDA. It would potentially be a 75% grant with a 25% loan. The agenda request form that I included in your packet, as well as the WSPI2 amendment details the project, but it basically focuses on the pressure issues that we are having, as well as fire flows, and a lot of our extremely old lines that are leaking. USDA does require a public hearing for this.

Mayor Forrister opened the public hearing.

There were no comments during the public hearing portion.

Mayor Forrister closed the public hearing.

Commissioner Fahl made a motion to approval to submit the USDA Grant Application for Water System Performance Improvements 2 (WSPI2) and authorization and approval for the City Manager and/or Mayor to execute, sign, and submit the required and requested documents related to the USDA/RUS application the Consent Calendar as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

- 1. Discussion/Update: Office of the State Engineer (OSE) Order 198 Hot Springs Underground Water Basin.**

Item was moved after public comment.

- 2. Discussion/Update: Water Update.**

City Manager Gonzales: We took the complaint intake form from Ms. Schooley and Arnie has ordered the part. It is a backflow preventor so it should stop any flow going backwards. He explained the situation to the property owner so everything should go well.

Arnie Castaneda, Water/Wastewater Director: I spoke to Serina Schooley, and explained to her what we were going to do, and that should solve some of her problems with any backflow going into her home. We did get the part this week, and we will be scheduling to install it sometime next week. I have some employees out on training right now and they will be back next week, so we will get that completed when they get back. We have 20 active water leaks right now, and we have completed 70 leaks in the month of August which I think was a record for us. As of this month we already have 12 that we have fixed. We got into a rhythm where our group is now working as a group. We have Jamie who calls in the locates, and then the guys go check it out, and they report to her. We have been fixing about 5 a day so that has been working very well for us so far. We will continue doing that once everyone is back from training. I have employees who are currently in training who are also going to test for their certification so that is a big plus as well. We are trying to promote testing and promotion from within. We are diligently working on our leaks. We had some issues with our Wastewater Treatment Plant. We had a visit from OSHA and they were concentrating on our entrance works. If you recall there were some floods in 2020 and we lost our bar screening that cleans that captures a lot of big solids, and cleans it out automatically. When we lost it in 2020, they guys had to start doing that manually, but we were told that we need to do a better job as far as getting our guys down in there. We bought some gas monitoring devices, so before they go down in there, they check for fumes and gasses. I just contacted Safety Counseling, and they will be doing a retrieval plan for us in case somebody in the future, God forbid, would go down when they

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are in there, so we need something in place on how we would retrieve them. We will turn the plan into OSHA which would include the written plan, and the equipment such as a harness, tripod, and all of that good stuff that comes along with it. We are currently working on that right now.

Commissioner Fahl: When we look at where we were just a few months ago, what your crew has accomplished is really amazing. I know that they are beat to the bone, but everybody really appreciates how hard they are working. Great strides that you guys have made so congratulations.

Arnie Castaneda, Water/Wastewater Director: I will pass that along. I do have to say that the group that we have right now are very hard working, and they are doing everything they can to help the situation.

Assistant City Manager Alvarez: In 2019 when that flood hit, we filed with the Department of Homeland Security for a claim on that, but unfortunately our bar screen is so outdated, and they will only restore what was existing, they wouldn't replace something new, so we didn't get anywhere with that. We will probably be coming to you fairly soon with an application to the Clean Water State Revolving Loan Fund. We are going to have to replace that entire system, and we are probably looking at close to \$750,000 to \$1 million dollars for just that system alone.

Mayor Pro-Tem Hechler: Arnie, there has been some discussion lately on Facebook regarding the water quality. I know that every time there is a water break, there is the potential for contamination, can you briefly tell us what steps you take to ensure that there isn't contamination, how often are we tested, and talk a little bit about how safe our water is.

Arnie Castaneda, Water/Wastewater Director: I would say about 80% of our leaks are service lines, and the service line is usually a $\frac{3}{4}$ " to 1" line. We don't sever the line. We just clamp it and stop the leak. There are leaks where we have to splice a line, and when we do that we usually, by regulation, put some powdered chlorine in there to disinfect the section that we did, and then we flush it. That is standard procedure for us. However, like I said, most of our leaks are just clamps that we do on service lines. The major lines have been 4" and recently we did one that was 6", but if it is something major, I usually contact our local contractors and have them do the job for us.

Mayor Pro-Tem Hechler: How often do you actually test the water in the water system to ensure that it is safe and meets standards?

Arnie Castaneda, Water/Wastewater Director: By state regulation we test it once a month. Once a month we collect about 10 water samples throughout the community. We have a sampling plan which has a list of addresses, 30 addresses for example. We just rotate those addresses every month, and go around and take water samples and submit them to the state. Nothing has come back on us since I have been here. The state also gets their water samples for different parameters at least once a year. Those results are on

the city website under the water department and it is called the consumer confidence report.

3. Discussion/Action: Approval of Purchase Requisitions over \$20,000.

Kristie Wilson, Finance Director reviewed the Purchase Requisitions over \$20,000 provided in the packet. She noted that they removed the Western United PO from the packet until the next meeting because Electric Department Director Easley was not available to attend today's meeting.

Commissioner Mitchell moved to approve the Purchase Requisitions over \$20,000. Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Engagement Agreement for Municipal Advisory Services between the City of Truth or Consequences and Bosque Advisors, LLC.

Mark Valenzuela, Bosque Advisors, LLC: We like to be in compliance with state law and federal securities law, so we update our engagements with our clients on an annual basis. We provide new disclosures. There are federal securities law disclosures. There is nothing for us to disclose necessarily, but we still provide it. We also provide the fee schedule which has not changed from the prior year. All this engagement really does is change the dates of the contract.

Commissioner Fahl moved to approve the Engagement Agreement for Municipal Advisory Services between the City of Truth or Consequences and Bosque Advisors, LLC. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: United States Army Donations Program Qualification for Donation of Combat Material.

Commissioner Fahl: I am on the board, and I am going to recuse myself from this, but just to follow up on that, the Museum has been looking for static displays since 2009, and a helicopter would be perfect for where we are at. This program is part of the Army. The building and all of the stuff outside the Museum belongs to the city, and the artifacts belong to the Trust Board, but the city can be the applicant. You have to get on a waiting list and there are documents that you have to submit to prove to them that you are legit, and then you would just wait until they had one available. We said specifically what we wanted. As you saw in the paperwork, there will be transportation costs that have to be

paid to get it here from Texas. Once it is here, they do inspections. This is going to be a joint effort with the city and the Trust Board. This is going to be a joint effort. The cost will be borne by the city and your partner. I think at some point we can work out the details about what that would be. We believe that this would really enhance that, and bring so many more people. It is coming in, in flight. Fort Bayard has one that looks like that, and there is one in Cruces and Angel Fire. We talked to all of those folks about how they mount it so we just replicate what they are doing. We know that there will be a problem there with the wind because of where we are located, but we already talked about that. What we really want to do at this point, if the city agrees to be a participant, then between the Trust Board, and working with City Manager Gonzales, we will figure out the cost. Her son will go get it, and he wouldn't charge us, but he would need his fuel cost. I told him that I'm the one writing you the check. If we have to go out of state, and more than likely we will. We have had people that have stepped forward to pay for those costs, and we have several local veterans that have equipment and who can go get it at a reduced cost. We do not anticipate the city bearing that cost. We don't want it to be a burden on the city, but we believe that it will be an incredible improvement, and bring us so many more people, so we are hoping that you approve it. Maggie Allen is the Chairman of the board, and she will work with City Manager to work out the details. We would also be willing to service a liaison so it is not a burden on city staff.

Mayor Forrister: Just to get this all straight, all we are doing right now by approving this is filling out the required paperwork on our behalf. Correct?

Commissioner Fahl: You are the organization, and it is going to be in your care. They are not giving it to you. You are just using it, and they can take it back at any time. Especially if they find out that we are not taking care of it the way we should, so it is basically on loan, and you agree to be the person who is borrowing it.

City Manager Gonzales: If approved, the Mayor will have to be the one to sign the document.

Commissioner Fahl is on the board so she recused herself from the vote.

Commissioner Mitchell moved to approve the United States Army Donations Program Qualification for Donation of Combat Material. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Shelly Harrelson, Commissioner voted aye

Hon. Amanda Forrister, Mayor voted aye

Hon. Rolf Hechler, Mayor Pro-Tem voted aye

Hon. Destiny Mitchell, Commissioner voted aye

Hon. Merry Jo Fahl, Commissioner abstained from the vote.

Motion carried with a 4-0 vote and 1 abstained.

6. Discussion/Action: Accept Department of Finance 2023 Federal Matching Fund Award and execute agreement.

Assistant City Manager Alvarez: In June 2023 we submitted an application to DFA for their federal matching grant funds. We applied for the matching funds. We were awarded for our Vision Zero Safety Action Plan for the federal funds, and we were awarded \$40,800 which is exactly the cash match that we needed to have for that previous award. The cycle opened up again, and we are potentially looking at trying for a bigger amount this year. They didn't have a lot of funds available last year, so we might try a match for the USDA. We don't have a whole lot of federal grants. Most of ours are state grants that we apply for, so we decided to start small and get our name out there.

Mayor Pro-Tem Hechler moved to accept the Department of Finance 2023 Federal Matching Fund Award and execute agreement. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Request to renovate the Armory into a new Police Department, and explore financial options.

Chief of Police Tavizon: Back in 2017 the city paid to get architects and the entire planning of the Armory to be renovated into a Police Station. However, something happened to where it didn't proceed forward. There was a concern of priorities. I understand that the city has a bunch of needs, and I would never ask to take any of that money allocated to address those needs to meet this need that we have at the Police Department. I am only asking for approval to look at the funding that we currently have allocated to the public safety, and also look at other avenues to try to seek the renovation of the Armory for a new Police Department. We have an obligation with both the state and federal requirements to protect the community, and their personal information through the program that we have at the Police Department through IT needs, and to protect the evidence that we have in the Police Department, and by having this new proposed plan we will be able to meet those needs more adequately. I just ask that you allow me to look into it further, and allow me to look into possible federal funding, and to work with our financial advisor to see what fits. If it doesn't make financial sense, then we obviously won't move forward with it, but if it is something that is possible, I would love to have your permission to do that.

Commissioner Mitchell: If you do plan to move forward with this and renovate the Armory, are you going to keep the downtown location as annex of some sort so you have that downtown presence?

Chief of Police Tavizon: It belongs to the city, so you all can choose to move anybody who needs the office space into that location. I think that would be the best fit for it.

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Commissioner Mitchell: I was just speaking specifically of Fiesta because having the Police Department downtown for big events like that is paramount for our security purposes. I also understand the need to grow and expand, and so I was just wondering.

Mayor Forrister: They have their little mobile thing that they hang out in, and I'm sure they will be out there on their bikes making laps.

Chief of Police Tavizon: Yes ma'am. We will have a mobile unit there so we have that presence there. We will always continue to support Fiesta, and do our best to provide security for that event.

Commissioner Fahl: When I worked at Bank of the Southwest it was nice to have the PD nearby, and now you will be moving up to First Savings, so they will be happy to have you up there. One of the rumors going around back in 2017 was that there were a lot of asbestos problems at the Armory.

Chief of Police Tavizon: The removal and disposal of the asbestos was included in that plan that they did in 2017.

Mayor Forrister: It was pretty affordable, correct?

Chief of Police Tavizon: It was around \$25,000.

Commissioner Fahl: I know we just moved Central Dispatch, so do you plan on having any other resources up there besides your staff?

Chief of Police Tavizon: We extended an invitation to the State Police to continue with that plan, and one of their questions was what their cost would be, so we just asked for in kind services, possible furniture, IT support, and radio communication type of stuff. If they decided to move into that location, they we asked that they agree to providing those services. I know that they have had some challenges in the location that they have now, and they are about to renovate as well to try to address some problems that they had, so it would make sense for both of us to move forward with this.

Commissioner Fahl: I think it will be great for the community, and also just getting that building back to being serviceable would be great. It is such a shame to see it just sitting there.

Chief of Police Tavizon: I agree. Absolutely. We were also hosting a few classes here within the city, and we had to use the Olive Tree because we just don't have the facilities, and the school provided them as well, so on one of the 3 days, we are looking at bringing at least 30 officers from all across the state. They will be coming into our community and possibly staying in our hotels, so if we have this facility, part of that plan is a nice training room, which we need, and I would be able to host those and bring people into our community.

Commissioner Mitchell: Would that funding come from Lodgers Tax if that's the case? I think we should explore that as an avenue. If you are going to have a statewide training center, that could be considered as bringing people from other communities, and heads in beds, aka Lodgers Tax.

Commissioner Harrelson: If your training room looks like a conference room, you can also have lots of different types of trainings.

Mayor Forrister: We look forward to being updated and seeing what conspires over there.

Commissioner Fahl made a motion to allow Chief Tavizon to explore financial options to renovate the Armory into a new Police Department. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Approval of Service Agreement for the School Resource Officer at Hot Springs School District.

Chief of Police Tavizon: We are just looking to renew the Service Agreement for the School Resource Officer at Hot Springs School District. There has been some discussion of possibly updating it the next fiscal year for the school to include an additional position, which I believe we will be able to accommodate if that is given to us. The agreement is the same as last years agreement.

Commissioner Fahl moved to approve the Service Agreement for the School Resource Officer at Hot Springs School District. Commissioner Harelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: Contract Renewal with Parkhill.

Assistant City Manager Alvarez: A couple years back we went into an RFP for multiple engineers and architects under a single RFP. Originally, we did a contract renewal with Parkhill for 1 year with the ability to renew for 3 additional years. At this time staff would like to request to renew the contract for the full 3 additional years. Parkhill is the engineering firm that does all of our solid waste landfill monitoring for both of our landfill areas, and then they work closely with our solid waste department for their annual reports, and everything else. Since we will be monitoring those landfills for up to 30 years plus, it just makes more sense to do it this way, rather than coming to you guys each year to renew.

Mayor Pro-Tem Hechler moved to approve the Contract Renewal with Parkhill. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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Well, Well

What the state Supreme Court's new water-rights ruling means for New Mexicans

Expand



A new ruling by the New Mexico Supreme Court helps clarify how water rights should be administered—but when it comes to domestic wells, it could also mean a lot more work for the state engineer. (File Photo)

By Justin Horwath and Joey Peters

July 30, 2013 at 10:23 am MDT

For years, Horace Bounds worried that his water would run dry.

Bounds is what's known as a senior water user: His family has had rights to use water in southwestern New Mexico's Mimbres River basin since 1869. But in the past few decades, as the population grew, more people wanted water. And under the state law governing domestic wells, the Office of the State Engineer, which manages New Mexico's water, had to grant those permits—even though water was already scarce.

Domestic wells—defined as wells used for irrigating a maximum of one acre "of noncommercial trees, lawn or garden," or "for household or other domestic use"—occupy a unique space in New Mexico's water landscape. Unlike other water rights, the Office of the State Engineer must issue permits for domestic wells.

That law dates back to the early 1950s, when domestic wells accounted for roughly half of the state's water use. Back then, their use was growing so quickly that that the state engineer deemed it too burdensome for his office to fully evaluate new permits for domestic wells.

Based on the OSE's conclusions that new domestic wells would result in "minimal production or temporary use," the Legislature passed a law giving him the power to issue new permits without vetting how much water was available or notifying the public, according to a report conducted by the University of New Mexico's Utton Transboundary Resource Center earlier this year.

Since then, however, much has changed. New Mexico's population has more than doubled, and drought conditions—exacerbated by climate change—have grown more severe. But knowing that the law requires the state engineer to keep issuing

domestic well permits, individuals and developers have continued to apply for them—and pump water.

"More and more rural development is taking place based on the premise of availability on domestic wells," says Alvin Jones, one of the attorneys representing the New Mexico Farm & Livestock Bureau, which intervened in the case.

"People can walk into the state engineer's office and automatically get domestic water rights," adds Conci Bokum, a Santa Fe resident and senior water rights owner.

All of New Mexico's surface water is already spoken for—or, in water-rights jargon, "appropriated"—and Bokum characterizes the current setup as "adding more straws to an over-appropriated resource."

Mike White, president of the board of directors at the Farm & Livestock Bureau, explains it even more succinctly: "They're issuing water rights when there is no water left."

So in 2006, Bounds took his concerns to court, arguing that the law requiring the state engineer to continue granting domestic well permits violated the state Constitution. In 2011, the case made it to the New Mexico Supreme Court, which on July 25 issued a groundbreaking opinion that will likely inform much of water resource management for the future.

Bounds' complaint centered on the doctrine of "prior appropriation" outlined in New Mexico's Constitution. Basically, it means that water rights work according to a seniority system: The person with the oldest water right is the most senior; the guy who got his yesterday is the most junior.

For the most part, this principle is theoretical—until catastrophe strikes.

Currently, more than 97 percent of New Mexico suffers from severe to extreme drought. Already, there's not enough water to go around.

This is when seniority matters. Let's take two fictional farmers—Cisco, who's had a water right since 1950, and Bruce, who got one last year. If the river they use starts to run dry, the state engineer can cut off Bruce's water to protect Cisco's.

But historically, New Mexico hasn't been proactive in protecting senior water rights. In part, that's because many of the most senior rights haven't been adjudicated—meaning they lack a legally confirmed priority date. The Utton report also points out that as water managers have learned more about "the interconnectedness of surface water and groundwater," figuring out how one water user may harm another has become more complex. What's more, groundwater depletion can happen gradually—meaning you might not even realize your water's drying up until it's too late.

That, in turn, leads to tensions: Senior water users (like Bounds) worry that as the state engineer continues to grant well permits, junior users will start to infringe on their long-held water rights.

So Bounds argued that the domestic well law—the one that allows the state engineer to issue new domestic well permits, regardless of how much water is available—is unconstitutional because it violates prior appropriation.

While the district court agreed, the state's higher courts didn't. The Supreme Court held that there's nothing wrong with simply issuing a new permit, because merely giving someone a permit to drill for water doesn't mean they'll be allowed to pump

it.

"The court was making it very clear that the Legislature has created a shortcut way in getting an application in and granted, but it does not guarantee that you'll get water out of it," explains Steve Hernandez, one of Bounds' attorneys before the case went to the state Supreme Court.

And that's where prior appropriation comes in. In its ruling, the Supreme Court clarified that rather than an abstract concept, the seniority system should serve as a road map for enforcement.

"The entire phrase 'priority of appropriation shall give the better right' is meant to dictate how conflicts between water users can be resolved—by priority administration—in which junior users are cut off when necessary in favor of senior users," Supreme Court Justice Richard Bosson writes in the opinion.

Reed Benson, a professor who focuses on water and environmental law at UNM School of Law, says the ruling is potentially significant.

"The court now is pretty clearly saying that it is constitutionally necessary to make sure that seniors get the water that they're entitled to in times of shortage," he says.



Hot, dry conditions have already caused severe drying of the Rio Grande—to the point that, earlier this month, water managers had to irrigate the river. (courtesy US Fish & Wildlife Service)

While the ruling offers some clarity, it also means that someone has to regulate domestic well permits

to make sure that a junior water user doesn't hurt a senior user. That could place a heavy burden on the state engineer—and the Legislature—"for relief from many of these problems."

In other arenas, the OSE already has the authority to limit how much water users can pump, and even cut off some water users' supplies in order to keep more senior users from being negatively impacted. When it comes to domestic wells, the Court ruled, the OSE can take similar measures.

One such tactic involves establishing "domestic well management areas," with stricter limits on how much water a domestic well can pump. Earlier this year,

state Sen. Peter Wirth, D-Santa Fe, sponsored a memorial calling for the OSE to establish these areas; the high court ruling confirms that the OSE has the ability to do just that. (The OSE did not respond by press time to SFR's requests for comment.)

Wirth also sponsored two bills aimed at further regulating domestic wells.

"These domestic well bills would have never been passed in prior years," he says. In the past, organizations representing developers (such as the New Mexico Homebuilders Association) were resistant to such regulation; this year, they supported it.

"What's obvious to me and my colleagues is that the status quo isn't working," Wirth says.

In the meantime, some local governments—including the city of Santa Fe—have taken matters into

their own hands.

In 1999, the city passed an ordinance preventing domestic wells from being drilled within 300 feet of a city water distribution line—unless the applicant can prove that it costs more to hook up to the city's water supply than to drill a well. The ordinance has stood up twice to challenges in the state Supreme Court. The city also filed a "friend of the court" brief in the Bounds case.

Marcos Martínez, a city assistant attorney who represents the Water Division, explains that the city had a stake in the case "because it sort of viewed the proliferation of these [domestic] wells as a potential impact on the city's own well system—the city's ability to provide a safe and available water supply to the city of Santa Fe."

The continued issuing of new domestic well permits—potentially on private land just outside city limits—“could lead to some unintended consequences,” he adds.

The drought makes that fact painfully obvious.

According to the Utton report, New Mexico’s population growth “has brought intense pressure on local water supplies.”

And a peer-reviewed 2010 study by UNM climatologist David Gutzler projects that during the second half of this century, the Southwest will suffer a more extreme drought than the two worst dry periods of the 20th century. Other studies anticipate that the drought will continue to affect New Mexico’s water supply. By the middle of this century, for instance, the Rio Grande’s median streamflow is expected to decrease by 13 percent, according to the University of Arizona’s most recent Southwest Climate Change Assessment Report.

So while Bosson writes in the ruling that new domestic well permits can “serve as a placeholder should more water become available in the future,” in light of climate projections, such a prospect seems wildly optimistic.

And as water supplies are further stressed, tensions between junior and senior water users may be exacerbated.

“The real problem is, all the highest economic uses are the most junior rights,” says G Emlen Hall, a professor emeritus at the UNM School of Law. (Think about a city like Albuquerque, with relatively recent population growth, versus a farmer whose family has been here since the 1600s: The farmer has priority, but the city might have a more pressing need to provide drinking water.) “And so, when you talk about enforcing priority,” Hall continues, “you’re talking about alfalfa farmers and worse—in the view of modern economists—trying to shut down cities.”

White, for his part, predicts that the ruling will “create more lawsuits.” But for many water conservation proponents, it’s a major step forward.

“It puts anyone getting a new domestic well on notice,” Wirth says. “Anyone using domestic wells is going to have to be careful, moving forward.”

Santa Fe Reporter

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Morning Word

I. EXECUTIVE SESSION:

- 1. Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7).**

Mayor Pro-Tem Hechler made a motion to go into executive session at 10:58 a.m. to discuss Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7). Commissioner Harrelson seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

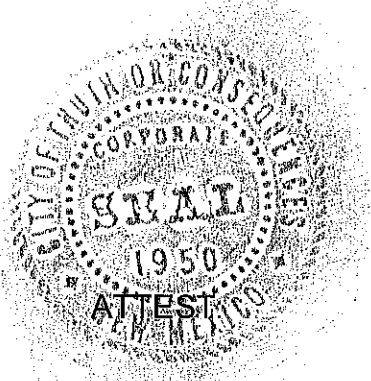
Mayor Forrister reconvened the meeting in open session at 11:05 a.m.

Mayor Pro-Tem Hechler certified that only matters pertaining to Threatened & Pending Litigation (*Diane Gunning*) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

J. ADJOURNMENT:

Mayor Forrister adjourned the meeting at 11:06 a.m.

Passed and Approved this 27th day of September, 2023.



Amanda Forrister
for Amanda Forrister, Mayor

Angela A. Torres
Angela A. Torres, CMC, City Clerk