

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**WATER POLICY ADVISORY**  
**COMMITTEE MEETING**

**April 10, 2025**

**Santa Fe, New Mexico**

**1     Opening Business**

A.     This meeting of the Santa Fe County Water Policy Advisory Committee (WPAC) was called to order at approximately 4:00 p.m. by Chair Shann Stringer on the above-cited date in the Plaza Conference Room, 240 Grant, Santa Fe, New Mexico. The meeting was conducted as a hybrid with people attending in person and on line.

B.     A quorum was achieved with the following members present:

**Members Present:**

Shann Stringer, Chair  
Emily Wolf  
Amy Jordan  
Peter Gowen  
James Mike Henry [virtually]  
John Kadlecek  
Darrin Muenzberg  
Stephen Schmelling  
Commissioner Bustamante, *ex officio* [virtually]

**Member(s) Absent:**

Jeff Montoya  
Laird Graeser

**County Staff Present:**

Andrew Harnden, Senior Planner, Growth Management Department/Planning Division  
Hvtce Miller, Intergovernmental Outreach Coordinator  
Cristella Valdez, Asst. County Attorney  
Travis Soderquist, Utilities Deputy Director  
Brittney Montoya, Constituent Services Liaison  
Jacqueline Beam, Sustainability Manager  
Leandro Cordova, Deputy Manager [virtually]  
Herbert Foster, Planning Division  
Scott Kaseman, Public Works  
Walker Boyd, County Attorney [virtually]  
Elizabeth Houghton, Sustainability Specialist

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**Others Present:**

Carl Dickens

William Mee [virtually]

**C. Approval of Agenda**

Mr. Gowen moved to approve the agenda. Ms. Wolf seconded and the agenda was unanimously approved. [Mr. Muenzberg was not present for this action.]

**D. Introduction of WPAC Guests**

Those present introduced themselves.

**2. Approval of Meeting Minutes**

**A. March 13, 2025**

Mr. Gowen moved to approve the March 13, 2025 meeting minutes as submitted. Mr. Kadlecsek seconded and the motion passed without opposition. [Mr. Muenzberg was not present for this action and arrived shortly thereafter.]

**3. Matters from Staff – None were presented**

**4. Presentations [The agenda was modified to accommodate a 6 p.m. meeting]**

**B. Presentation & Discussion: Three Working Groups Progress Reports for WPAC Quarterly Report to BCC**

Mr. Gowen said the resolution establishing this body requires a quarterly report to the BCC. A document was provided [*Exhibit 1*] outlining the tasks for each working group. The activities are up to March 31<sup>st</sup>.

Stormwater Management Working Group: Ms. Wolf offered to add Mr. Harnden's update to the bio-gas and composting and the state's solid waste grant.

Drinking & Wastewater Management Working Group changes were offered on Task 1A. Noting there was other work happening regarding PFAS, it may be appropriate to have a preamble on the survey. The one-page community survey was already received from staff.

An April 7<sup>th</sup> email will be included. Mr. Kadlecsek will provide additional language from Mr. Harnden's email.

Outreach Working Group Working Group under Task 2, it was recommended that the last sentence be removed. Under Task 3, "WPAC member Peter Gowen has recused himself from this matter due to a conflict of interest," was added.

ACTION: Ms. Wolf moved to approve the quarterly report as presented and amended. Mr. Muenzberg seconded and the motion passed by unanimous [8-0] voice vote.

**A. Presentation & Discussion: Santa Fe-Pojoaque Regional Water System Update**

Scott Kaseman, Public Works, provided a slide show overview of the project:

- PBRWS, the Pojoaque Basin Regional Water System, will have the capacity to deliver water from the Rio Grande to the four pueblos and non-pueblo customers in the Pojoaque Basin
- Water is to be diverted from the Rio Grande on San Ildefonso Pueblo land above the Otowi Gage
- The system will provide up to 2,500 acre-feet per year for consumptive use with the ability to expand in the future up to 4,000 acre-feet
- BOR will build the system which will consist of a water treatment plant, 22 water storage tanks, a four-mile long raw-water pipeline from the Rio Grande at the intake to the water treatment plant, a potable water transmission and distribution system consisting of 151 miles of pipelines, and seven miles of new power lines by the San Ildefonso Pueblo

In response to Mr. Gowen's question of whether all of the water is San Juan-Chama project water, Mr. Kaseman said Santa Fe County's 611 acre-feet are native water rights from Top of the World Farm.

A project map and overview of the system was shown divided by the phases.

Phase 1: 100 percent designed and construction is 48 percent completed. Estimated completion is August 2027. This phase runs from the Rio Grande along NM 502 to the Village of Pojoaque to a couple of tanks. He identified the different elements and levels of completion.

Phase 2: Is the transmission system and the raw and treated water lines, pump stations and storage tanks.

Stage 1 is 100 percent designed up in Nambe and BOR is in the process of awarding the contract with construction scheduled for May/June 2025. There are eight outstanding easements to be obtained.

Stage 2 is from the Pojoaque storage tank to Bishop's Lodge. Storage tanks were identified and the majority of the water in those tanks will be used for fire suppression. Construction is to begin spring 2026 and conclude June 2028. Pipe diameter ranges from 12 to 18 inches.

Phase 3: Smaller diameter 8-inch pipelines will distribute water to individual water users within all four pueblos and Santa Fe County service areas. This phase is the County's responsibility. Currently it will cost \$24 million to build the lines. Well election forms from OSE are being analyzed. This phase is at 33 percent design and requires additional input from the County.

The County recognized that they would not be able to utilize all of the water right away. The current capacity was reduced from 4,000 acre-feet to 2,500 acre-feet. Water will go stagnant and unpotable if it remains in the pipes so that unused water can be moved through the City system and sent to other County customers. If anything happens with the intake of the PBRWS or if the

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Rio Grande goes dry, in an emergency situation, the City would be able to reverse flow water to the PBRWS. Mr. Kaseman located the T-junctions in the system and storage tanks.

Ms. Valdez made clear that there was no official plan to interconnect the system to the County Utility for delivering water outside of the PBRWS.

Mr. Kaseman said maps showing different pipelines and connections are not public for security reasons.

If the basin is only at half capacity, distributing the water to other users will offset the cost for basin users.

With 1,100 users the cost will break even. At this point there are approximately 330 users who have signed well election forms. A postcard survey received 900 positive responses for those wishing to hook onto the system – although not all responders were within the service area.

The easement acquisitions were reviewed and the entire project will require 800 easements.

The County's current obligation to the system is \$21.4 million: \$17.4 for the original agreement and an additional \$4 million for the interconnect which provides the redesign of the reverse flow around the pump stations and to upsize and install the larger pipe to get to the T-junction in Tesuque.

In October 2024, the project ceiling was indexed to \$734 million. By 2026, the project will come in at \$770 million. The majority is being absorbed by the BOR and has already been approved.

Mr. Kaseman said the funding for this project has been exempted from federal budget reductions.

Partners Agreements include the four pueblos with the County, OSE, NMED, and EPA. Mr. Kaseman said there are 15 to 20 monthly meetings with the different organizations and agencies involved in the project. The operation is close to completion. He conducts bi-weekly meetings with BOR's project manager, monthly meetings with all project partners as well as on-site construction meetings.

The County website contains all of the Aamodt settlement agreements, JPAs, cost sharing, BOR's schedule, and presentations, etc.

Mr. Kaseman said the well election form is being revised to better clarify options and implications. An added option is hooking onto the system and keeping the well for outside use only. While there isn't a firm deadline, there is an operational deadline when the County is installing the pipe the hookup is free; after that the price is \$5,000 to \$10,000.

Ms. Wolf recommended that WPAC review the well election form before it is finalized. Mr. Kaseman said outside counsel is drafting it and he will email it to Mr. Harnden. Mr. Kadlecsek pointed out that the well election survey was sent out to people that are not having the system

offered to them and he asked whether they can be excluded from the next mailing. Mr. Kaseman said that original survey was sent out by the OSE seven to eight years ago using a database on RG well numbers, not property addresses. Staff will need to review the addresses to determine whether the system is available to them.

Regarding the BOR's schedule of completion, wherever the project is at June 30, 2028 and whenever the funding is depleted it is deemed complete. The partners are going to Congress to change the completion date for additional time.

5. **Informational Items** – None were presented.

6. **Action Items**

A. **Approve content for Quarterly Report to BCC [See 4.B/Page 3]**

7. **Matters from the Public**

Carl Dickens said the Santa Fe Rivers Traditional Communities Collaborative has been in existence for 13 years and is currently transitioning its organizational structure. The Collaborative wants to lean on the traditional communities' leadership and reach out to the acequias in the Santa Fe metropolitan area to add to more voices. He said they will continue to offer tours of the lower watershed and add the BDD and wastewater treatment plant to the tour.

With a number of WPAC members expressing interest in touring facilities, etc., Ms. Valdez said the best practice would be to post notice of a potential quorum.

In the event County water is extended to La Cienega/La Cienguilla, Mr. Muenzberg asked whether that would change the SDA designation of the area and inadvertently open the door to additional growth/sprawl. He mentioned once water was extended to the Turquoise Trail School it encouraged growth. "What happens when water is extended; does it trigger a change in the idea of sustainable growth?"

Mr. Dickens said providing County water to La Cienega/La Cienguilla is about providing safe water, not about additional development. Mr. Gowen said supplying water to existing areas/houses should be considered different than opening up new areas for development.

Chair Stringer supported adding the acequias within the City to strengthen the linkage between the City and County.

Mr. Dickens mentioned that the acequias in La Cienega are over 300 years old.

Commissioner Bustamante said a date has been established for the BCC to visit Bishop's Lodge wastewater treatment facility and WPAC can join that tour. Chair Stringer noted that Tesuque Casino has the same type of treatment plant.

It was mentioned that the master plan was being developed for the Paseo Real treatment plant and the Water & Wastewater Management Working Group expressed an interest in reviewing it.

**8. Matters from the Committee**

With regard to task #1 of the Drinking & Wastewater Management working group, Mr. Gowen invited input on how to improve on the process outlined in Resolution #2015-121 and to contact him via email. Tonight, he and Mr. Harnden are on the agenda of Santa Fe Rivers Commission and will be providing an update on the WPAC's work plan. There was consensus to invite interested commissioners to participate within WPAC working groups.

Claire Jordy is the new Stormwater Project Manager at the City of Santa Fe

Commissioner Bustamante advised the committee members that a memorandum explaining what actions would be necessary to pursue a water authority has been sent to them via email. She suggested adding it as a future agenda item.

**9. Next WPAC Meeting: May 8, 2025**

**10. Concluding Business**

Jacqueline Beam, Sustainability, noted that there is not sufficient time to apply for the biodigester grant which will require a great deal of information and review by Manager's Office. Mr. Harnden said the County is applying for funding for a study.

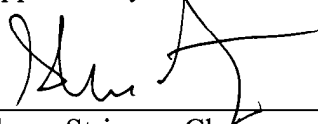
Herbert Foster, Planning Division, said he would be happy to facilitate a meeting with the Collaborative. Regarding the SDAs, Sustainable Development Areas, SDA1 is ready for development because infrastructure exists, SDA2 is to grow later, and SDA3 is rural and lacking infrastructure. The line would be extended past the boundaries to correct a health and safety issue. He concurred with Mr. Muenzberg's observation that providing utilities can result in sprawl. Revision drivers to the Sustainable Growth Management Plan include traffic congestion and water.


Chair Stringer said the peak fire camera information was emailed out to the members and he encouraged the County to participate in the service.

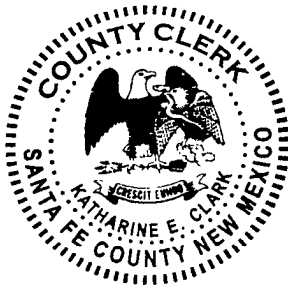
**9. Adjournment**

Following a motion by Mr. Gowen and second by Mr. Muenzberg, this meeting adjourned at approximately 5:26 p.m.

Approved by:

  
\_\_\_\_\_  
Shann Stringer, Chair

  
Respectfully submitted by:  
Karen Farrell, Wordswork



COUNTY OF SANTA FE           )  
STATE OF NEW MEXICO       ) ss

WATER POLICY ADVISORY  
PAGES: 24

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of May, 2025 at 02:00:44 PM  
And Was Duly Recorded as Instrument # 2059801  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy \_\_\_\_\_ County Clerk, Santa Fe, NM

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## DRINKING & WASTEWATER MANAGEMENT WORKING GROUP

### Task 1

*Develop a framework for potential customers to efficiently navigate the process of connecting to the County utility system or requesting that the County take over an existing system. (Requires completion of an after-action report on Cañada de Los Alamos application and requires review and potential request to amend Resolution No. 2015-121.*

#### 1<sup>st</sup> Quarter 2025 Activity

The WPAC Resolution 2015-121 Report on the Cañada de Los Alamos Mutual Domestic Water Consumers and Mutual Sewage Works Association (Cañada), approved by WPAC October 10, 2024, has not yet been approved by the BCC. Substantive progress on this task awaits an after action report on the Board disposition of the Cañada application. In the meantime, the task leader has prepared separate internal working group memos describing existing procedures and policies for new developments and existing community systems to obtain water service from the County.

### Task 1A

*Develop and present recommendations to the BCC for La Cienega/La Cieneguilla Drinking Water Contamination Mitigation. Including a bilingual, digital, and door-to-door survey. (Three-month timeline – present to BCC in late March/early April.) (Andrew Harnden)*

#### 1<sup>st</sup> Quarter 2025 Activity

A draft one-page community survey on immediate and long-term actions to mitigate groundwater contamination is coming from staff. Working Group will give input on the survey. A contract was signed with the consultancy DBS & A. A \$150,000 grant from NMED will help fund. A community meeting will also be hosted to gather information and give residents a chance to comment and get informed. The question of how to distribute the survey was discussed. Staff was strongly encouraged by member Muellenberg to actively involve the head of the Mutual Domestic Water Consumers' Association (MDWCA). Member Muellenberg pointed out how crucial it is to involve him proactively, sooner rather than later to avoid obstacles in the future. It was also noted that the survey could be possibly included with the mailing of the MDWCA bill. Liaison Harden noted that the BCC is putting aside money for drinking water.

### Task 2

*Review PFAS report dealing with the extent of contamination, clean-up timeline, alternatives analysis, and advise the BCC on most efficient path forward.*

#### 1<sup>st</sup> Quarter 2025 Activity

Staff does not have much to go on at this point. After INTERA completes the initial sampling and incorporated that data into the model, with the preliminary findings, a direction to take will be more clear. It is known that there is PFAS contamination in the La Cienega and La



Cieneguilla area and the most common question is, "What to do now?" INTERA's primary focus with this project is to determine the extent of the groundwater contamination. A goal is to provide guidance as to what the County and the affected parties can do to potentially reduce exposure in the future. The County may utilize the findings report to justify further funding of projects or programs that benefit County constituents.

Staff is encouraging WPAC to review the County website for info on PFAS and start thinking of scalable solutions that can be implemented in an efficient manner.

### **Task 3**

*Review policy, procedures, and enforcement for a Countywide Domestic Well Monitoring Program.*

#### **1<sup>st</sup> Quarter 2025 Activity**

The Working Group is reviewing the county's current domestic well monitoring initiatives and will begin providing feedback in the next quarter.

### **Task 4**

*Santa Fe 2100 Water Plan - Work with the City of Santa Fe to prepare for the growth and expansion of infrastructure and increased water demand.*

#### **1<sup>st</sup> Quarter 2025 Activity**

The City of Santa Fe signed a Memorandum of Agreement (MOA) with Santa Fe County on February 13, 2025 regarding the County's Contribution of Funds to the City for Water and Wastewater Planning. The County signed this agreement in December 2024. City of Santa Fe Water Resources Planner, Steve Shultz, summarized the "Systems Tool for Evaluating Water Resource Decisions and Strategies" (STEWaRDS) model being developed as part of the long-range planning process, at the February 13, 2025 WPAC meeting. The use of this model is specifically called out in the MOA. County staff is working on population and service area projections for input into the model later this year. WPAC expects a staff presentation on these projections before they are delivered to the City.

***The following tasks will be considered as time and information become available:***

### **Task 5**

*Pursue petition return-flown credit application*

#### **1<sup>st</sup> Quarter 2025 Activity**

Review of paragraph 8 of the Amended and Restated Water Resources Agreement (WRA) between the City of Santa Fe and Santa Fe County, signed by the County December 13, 2016 and by the City on December 14, 2016, reveals that the County has no right to any return flow from the City's wastewater treatment plant. This task needs a policy clarification as

to whether the County seeks to amend the WRA to establish a County right to return flow from the City's wastewater plant, or otherwise desires to insert itself in this matter in support of the City seeking return flow credit. If this task targets return flows from the County's Quill plant, the working group seeks further clarification on the presumed nature of the return flow.

#### **Task 6**

*Promote Aquifer Storage Recovery (ASR) at the Quill Plant.*

1<sup>st</sup> Quarter 2025 Activity

Staff is working on this ongoing project. No WPAC member is participating on this task at this time.

#### **Task 7**

*Solicit community representation and engagement regarding the scope of work considerations during the project development phase.*

1<sup>st</sup> Quarter 2025 Activity

No WPAC member is participating on this task at this time.

### **OUTREACH WORKING GROUP**

#### **Task 1**

*Recommend the initiation for developing a Joint Powers Agreements (JPAs) with the City of Santa Fe for stormwater and wastewater management.*

1<sup>st</sup> Quarter 2025 Activity

The task leader has proposed a Plan of Action (Plan) for completing this task. (Attachment 2.) This has not yet been reviewed by staff. The Plan assumes that the Working Group will assemble background information on both the stormwater and wastewater programs of both the County and the City. Once WPAC understands the operation of each program, it can discuss with staff, strengths and weaknesses of each program and explore opportunities for both internal improvements and potential improvements that could be achieved through joint or coordinated operations with the City. If County staff and WPAC conclude that an intergovernmental agreement regarding stormwater and wastewater management between the County and City could be beneficial, a written conceptual proposal would be prepared and vetted by the full WPAC. The Plan suggests follow-up processes.

An alternative to the above proposed process involves an early policy decision to move more quickly. This would be achieved by proceeding with engaging consultants to perform the tasks outlined above. Consultants could be more thorough and efficient. Additional expense would be considerable, but if the County is committed to fully explore possible intergovernmental cooperation with the City on water matters, consultant contracts may be the most efficient way to proceed. However, if this course is followed, drinking water should be included in the analysis, along with stormwater and wastewater programs.

The Working Group needs to be kept up to date with work being done to explore options for a water authority, whether it would be a joint agreement between the County and City, or a completely independent organization. To avoid duplication of effort, the Working Group requests to be informed of any efforts currently being employed toward an analysis of these different options.

## **Task 2**

*Support efforts for more cooperation/coordination with the New Mexico Environment Department (NMED) and the Office of the State Engineer (OSE) (1) to require NMED to update and share its septic tank database with the County and require septic permit applicants to submit to County before NMED and (2) to require OSE to update GIS mapping to show well-head meter diversion points so the County can better estimate water use per acre.*

### **1<sup>st</sup> Quarter 2025 Activity**

Next steps are to reach out to OSE to determine who is working on the Water Data Act there. If necessary, the Working Group is considering submitting an Inspection of Public Records Act (IPRA) request to the OSE to obtain the data.

## **Task 3**

*Develop educational materials and partnerships that promote watershed health and water conservation.*

### **1<sup>st</sup> Quarter 2025 Activity**

A meeting occurred between Working Group task leader Kadlecek, with Santa Fe Watershed Association (SFWA) Executive Director Mori Hensley. She expressed a willingness to share materials and partner with the county to meet the objectives of this task. Afterwards, she spoke with their director of education, who confirmed that SFWA could most easily offer support to WPAC and the County in terms of curriculum training and design, expanding any of their existing programs to other areas of the County outside of the Santa Fe watershed, or serving as a strategic partner in identifying educational priorities and then designing programs accordingly.

Mori noted that the county has no specific water conservation office or people dedicated to working only on that. She also suggested working with the City's office of water conservation. The working group will continue to explore possibilities with the SFWA and the City for meeting these objectives.

## **Task 4**

**Support Primacy of surface waters in the state.**

### **1<sup>st</sup> Quarter 2025 Activity**

The legislature passed SB-21 in its regular 2025 legislative session. This bill authorizes the creation of state discharge permit system administered by the NMED, equivalent to the NPDES program currently administered by USEPA. With statutory action complete, the next step is rulemaking by the NMED. This process will go forward without regard to WPAC or Santa Fe County participation. WPAC has not been actively engaged in this matter.

***The following tasks will be considered as time and information become available:***

**Task 5**

*Develop maps and a database of all NMED-approved septic systems and wells, arroyos, and rain garden/catchment areas in Santa Fe County.*

**1<sup>st</sup> Quarter 2025 Activity**

Work has begun to evaluate the data sources available for this task, including GIS shapefiles and point source data. Additional work will be performed in the next quarter.

**Task 6**

*Develop a guideline/information packet for communities to form 501(c)(3) watershed associations.*

**1<sup>st</sup> Quarter 2025 Activity**

The task leader has prepared a narrative on forming watershed related non-profit corporations under New Mexico law called "Comments on Forming Nonprofit Watershed Associations". (Attachment 3.) This was presented to the full WPAC on March 13, 2025 and approved as full satisfaction of this work plan task.

**Task 7**

*Support strategies with USDA NRCS to increase agricultural producers' awareness of Soil Health Program.*

**1<sup>st</sup> Quarter 2025 Activity**

WPAC is not participating on this task at this time.

**Attachments:**

1. 2025 WPAC Work Plan
2. Plan of Action (Draft) for Outreach Task # 1 (JPA's with City)
3. Comments on Forming Nonprofit Watershed Associations. (Outreach Task 6)

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# Attachment 1

## Water Policy Advisory Committee 2025 Work Plan

### Stormwater Management Working Group

Michael Carr, Compliance (Lead)  
Jacqueline Beam, Sustainability  
Andrew Harnden, Planning

1. Develop and present recommendations to the Board of County Commissioners (BCC) on revisions and additions to the Sustainable Land Development Code related to water conservation, harvesting and reuse, stormwater management, and code requirements for new developments. (In progress with staff with a six-month timeline, led by Michael Carr and Jacqueline Beam)
2. Develop a Green Stormwater Infrastructure (GSI) Facility Master Plan and GSI Maintenance Training Guide (In progress with staff with a six-month timeline, led by Jacqueline Beam)
3. Review information to develop proposals for a County Compost Facility and Biogas Capture Project and provide recommendations to the BCC for inclusion in Planning considerations for County wastewater infrastructure expansion. (In progress with staff with a six-month timeline, led by Andrew Harnden)

### Drinking & Wastewater Management Working Group

Travis Soderquist, Utilities (Lead)  
Michael Carr, Compliance  
Andrew Harnden, Planning

1. Develop a framework for potential customers to efficiently navigate the process of connecting to the County utility system or requesting that the County take over an existing system. (Requires completion of an after-action report on Canada de Los Alamos application and requires review and potential request to amend Resolution No. 2015-121. Eight-month timeline). (Travis Soderquist)
  - A. Develop and present recommendations to the BCC for La Cienega/La Cieneguilla Drinking Water Contamination Mitigation. Including a bilingual, digital, and door-to-door survey. (Three-month timeline – present to BCC in late March/early April.) (Andrew Harnden)
2. Review PFAS report dealing with the extent of contamination, clean-up timeline, alternatives analysis, and advise the BCC on most efficient path forward. (Nine-month timeline by end of 2025.) (Travis Soderquist)
3. Review policy, procedures, and enforcement for a Countywide Domestic Well Monitoring Program. (Review Phase I findings in DBS&A report on Sustainability website and BoardDocs material for BCC meeting; Phase II to embed policies and procedures in the

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County system that track and monitor water usage and metering for domestic wells will begin in Spring 2025.) (Michael Carr)

4. Santa Fe 2100 Water Plan - Work with the City of Santa Fe to prepare for the growth and expansion of infrastructure and increased water demand.

The following tasks will be considered as time and information become available:

5. Pursue petition return-flown credit application
6. Promote Aquifer Storage Recovery (ASR) at the Quill Plant. (Active project kicked off by staff in November 2024; funding extended through 2026)
7. Solicit community representation and engagement regarding the scope of work considerations during the project development phase.

**Outreach Working Group**

Andrew Harnden, Planning (Lead)

Travis Soderquist, Utilities

Brickman House, Sustainability

1. Recommend the initiation for developing a Joint Powers Agreements (JPAs) with the City of Santa Fe for stormwater and wastewater management. (Six-month timeline.) (Andrew Harnden)
2. Support efforts for more cooperation/coordination with the New Mexico Environment Department (NMED) and the Office of the State Engineer (OSE) (1) to require NMED to update and share its septic tank database with the County and require septic permit applicants to submit to County before NMED and (2) to require OSE to update GIS mapping to show well-head meter diversion points so the County can better estimate water use per acre. (10-month timeline.) (Andrew Harnden)
3. Develop educational materials and partnerships that promote watershed health and water conservation. (Six-month timeline) (Andrew Harnden)
4. Support Primacy of surface waters in the state.

The following tasks will be considered as time and information become available:

5. Develop maps and a database of all NMED-approved septic systems and wells, arroyos, and rain garden/catchment areas in Santa Fe County
6. Develop a guideline/information packet for communities to form 501(c)(3) watershed associations
7. Support strategies with USDA NRCS to increase agricultural producers' awareness of Soil Health Program

***Subject to developments with other entities that may affect timely implementation.***

## Attachment 2

### WPAC Outreach Working Group Task #1 - Joint Powers Agreements with City on Stormwater & Wastewater Proposed Plan of Action

#### **Background**

The WPAC Outreach Working Group is tasked with the following:

Recommend the initiation for developing a Joint Powers Agreement (JPA) between Santa Fe County and the City of Santa Fe for stormwater and wastewater management.

The intention of this task is to recommend how to develop such a JPA.

The starting point for discussion should be an assessment of the functionality of current County stormwater and wastewater programs (S&W), and ascertaining their strengths, weaknesses, and opportunities for improvement. After that analysis is completed, conduct a similar analysis with the S&W programs of the City. (This step assumes a meeting with the City to gather this information.) Next, look at the similar programs side by side to see what improvements can be achieved through joint powers agreements.

**Note:** For purposes of this memo, “JPA” includes any agreement between the County and City to collaborate on the operation of either stormwater or wastewater operations. “JPA” used here is not intended to represent a formal joint powers agreement as recognized by state statute.

After an inventory and assessment of both County and City programs has been separately performed, the following questions should be addressed to determine where a JPA might be useful.

1. Are the current County and City programs in harmony with each other or are they in conflict?
2. Are there currently programs that duplicate efforts which could be eliminated by exercising powers jointly?
3. Which current programs are meeting programmatic goals?
4. Which current programs are falling short of meeting goals?
5. Which programs could benefit from a JPA and what would those benefits be?
6. What are the downsides of pursuing a JPA?

#### **Proposed Plan of Action**

##### Step 1.

In order to reach a destination, one must know from where one starts. WPAC needs to start with an understanding of current S&W programs. This includes identifying: current program objectives; ongoing efforts in achieving those objectives; and an assessment of the effectiveness of actions taken to achieve the objectives.

WPAC Outreach Working Group proposes an initial meeting with County staff responsible for the S&W programs with necessary follow-up meetings. The initial meeting needs to provide WPAC with a working understanding of each program, its strengths and weaknesses. Ideally, the County staff can also present the City's S&W programs. Just as understanding current County programs is important to the analysis, equal understanding of parallel City programs is also essential before any analysis of benefits of potential joint operations can be performed. The discussions can be split separately between stormwater and wastewater, or combined at staff's discretion. Follow-up meetings will be required.

#### Step 2.

Where County staff and WPAC conclude that a JPA regarding stormwater and wastewater management between the County and City could be beneficial, a written conceptual proposal should be prepared and vetted by the full WPAC. The proposal should then be presented to the BCC and upon approval, presented to the City.

#### Step 3.

Once a written JPA conceptual proposal is agreed upon by the County and presented to the City, County and City staffs would begin exploratory discussions on the JPA. If the two staffs can agree in principle, respective legal counsels can work out specific agreement language. During this negotiation phase, WPAC would be available for policy level check-ins at the agreement-in-principle stage and at the final document phase.

#### Step 4.

Upon approval of a formal JPA, implementation would begin. Required implementation steps would depend on the nature of the JPA. The possibilities range from joint agreement of policies and procedures with each entity retaining full responsibility for some or all of their operations, to creation of a new legal entity responsible for all water-related functions, and everything in between. Phased progression of assumption of programmatic responsibilities can also be part of a final agreement.

We make no assumptions here about the final results of this process, nor of the terms and operational details of a possible JPA.

### **Proposed Agenda Topics for Inaugural WPAC-Staff Meeting**

The following topics/questions are suggested for the inaugural meeting between staff and WPAC Outreach Working Group in satisfaction of meeting WPAC goals specified in "Step 1" above:

1. Describe current wastewater and stormwater programs of the County.
2. Describe the stormwater and wastewater programs of the City.
3. What are the strengths and weaknesses of each program, for both County and City?



4. Are the current programs in harmony with each other or are they in conflict?
5. Is there currently duplication of efforts that can be eliminated by exercising powers jointly?
6. Are the current programs meeting programmatic goals?  
If not, what are the shortcomings?
7. What benefits are hoped to be achieved through a JPA?

The Outreach Working Group task leader, Peter Gowen, requests this inaugural meeting at staff's earliest convenience.

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# Attachment 3

## Santa Fe County Water Policy Advisory Committee Comments on Forming Nonprofit Watershed Associations

### Introduction

The Santa Fe County Water Policy Advisory Committee (WPAC) has been requested to provide guidance on forming formal watershed groups. While it is not within the authorized scope of responsibilities of WPAC under Santa Fe County *Resolution 2024-038 - Updating the Purpose and Activities of the Water Policy Advisory Committee and Replacing Resolution No. 2019-95*, for WPAC to help create such entities, WPAC is offering these comments to aid those contemplating creating formal watershed groups by providing some background information which will help with asking questions of professionals who can help create formal watershed groups.

While there may be numerous options for creating watershed related entities, these comments will focus on the New Mexico Nonprofit Corporations Act, Chapter 53, Article 8 of the New Mexico Revised Statutes (NMRS) (NM Stat. § 53-8-1 *et seq*). What type of organization best fills the needs and desires of those desiring to form a watershed related group, should be discussed with appropriate professionals familiar with these options.

### Existing Watershed Groups

The Surface Water Quality Bureau of the New Mexico Environment Department has posted a list of watershed groups on its website at: <https://www.env.nm.gov/wp-content/uploads/sites/18/2023/08/2022-Watershed-Groups-List-Final.pdf> . Exploration of these organizations' websites could be helpful for anyone interested in forming a similar group. The NMED list is attached as Appendix 1.

### New Mexico Nonprofit Corporation Act (Act)

The New Mexico Nonprofit Corporation Act, Sections 53-8-1 through 99 lays out governing rules for the creation and governance of New Mexico nonprofit corporations. (The statute can be found by doing an internet search on "New Mexico Nonprofit Corporation Act". Section names of the Act are provided as Appendix 2.)

A watershed association is one possible type of nonprofit corporation.

### Incorporators

Those desiring to create a nonprofit corporation under the Act are called "Incorporators" under Section 53-8-30 NMRS. (NM Stat. § 53-8-30.) It states:

"One or more persons, including profit and nonprofit corporations, may incorporate a corporation by signing and delivering articles of incorporation in duplicate to the corporation commission [secretary of state]."

{Bracketed material was inserted by the compiler of statutes and is not part of the law.}

Incorporators should familiarize themselves with the provisions of the Act. Ideally, incorporators should have experience in nonprofit corporate management.

### Articles of Incorporation

Section 53-8-31, Subsection A NMRS (NM Stat. § 53-8-31 A) specifies the contents of articles of incorporation of a nonprofit corporation as follows:

- “(1) the name of the corporation;
- (2) the period of duration, which may be perpetual;
- (3) the purpose for which the corporation is organized;
- (4) any provisions not inconsistent with law that the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets on dissolution or final liquidation;
- (5) the address of its initial registered office and the name of its initial registered agent at such address;
- (6) the names and addresses of the persons who have consented to serve as the initial directors; and
- (7) the name and address of each incorporator.”

Section 53-8-31, Subsection B, NMRS (NM Stat. § 53-8-31 B (2023)) states:

“It is not necessary to set forth in the articles of incorporation any of the corporate powers enumerated in the Nonprofit Corporation Act.”

Section 53-8-31, Subsection C, NMRS (NM Stat. § 53-8-31 C (2023)) states:

“Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.”

### Bylaws

Section 53-8-12 NMRS (NM Stat. § 53-8-12 (2023)) provides for corporate Bylaws. It states among other things:

“The bylaws may contain any provisions for the regulation and management of the affairs of a corporation not inconsistent with law or the articles of incorporation.”

The Act does not specify content of bylaws. Consequently, it is helpful for the incorporators to have prior nonprofit corporate experience to identify essential elements of bylaws. Many nonprofit corporations have their bylaws posted on their websites. Reviewing other non-profits' bylaws can provide useful insights as to what should be included in initial bylaws for an organization.

### Conclusion

There are numerous options for creating a formal watershed related group. It is not the business of WPAC to help create them. However, to the extent that WPAC can offer comments that can facilitate creation of such groups by providing background information, WPAC is pleased to do so.

These comments focus on creation of a New Mexico nonprofit corporation. Other organization types may fit the needs of initiators. Learning what questions to ask appropriate professionals to help in that process is a good first step.

### Appendix 1

(Comments on Forming Nonprofit Watershed Associations)



**SURFACE WATER QUALITY BUREAU**  
**NEW MEXICO ENVIRONMENT DEPARTMENT**  
 Updated as of March 2022  
<https://www.env.nm.gov/watershedgroups/>



Animas Watershed Partnership	Warren Rider	(970) 274-3646	<a href="mailto:healthyanimas.awp@gmail.com">healthyanimas.awp@gmail.com</a>	<a href="http://animaswatershedpartnership.org/">http://animaswatershedpartnership.org/</a>	Focuses on the entire Animas Watershed including Colorado
Chama Peak Land Alliance	Caleb Stotts	(888) 445-7708	<a href="mailto:chamapeak@chamapeak.org">chamapeak@chamapeak.org</a>	<a href="https://chamapeak.org/contact">https://chamapeak.org/contact</a>	Focuses on Rio Chama, Rio San Antonio, and Rio De Los Pinos watersheds in NM and CO
Cimarron Watershed Alliance	Richard Smith	(662) 312-1678	<a href="mailto:rcsmith3@gmail.com">rcsmith3@gmail.com</a>	<a href="https://www.cimarronwater.org/">https://www.cimarronwater.org/</a>	The CWA is a re a non-profit group that is dedicated to the health of our local watershed along the Cimarron River.
Ciudad SWCD	Steve Glass	(505) 510-DIRT	<a href="mailto:ciudadswcd1944@gmail.com">ciudadswcd1944@gmail.com</a>	<a href="https://www.ciudadswcd.org/home">https://www.ciudadswcd.org/home</a>	Coordinates projects in the Middle Rio Grand and Albuquerque watersheds
East Rio Arriba Soil and Water Conservation District	Marcos Valdez, District Manager	(505) 753-0477	<a href="mailto:marcos.valdez@nm.nacdn.net">marcos.valdez@nm.nacdn.net</a>	<a href="https://www.eraswcd.net/home-1">https://www.eraswcd.net/home-1</a>	East Rio Arriba SWCD resulted from the consolidation of the Abiquiu-Vallecitos, Espanola Valley, and Coyote-Cañones Districts
Ecotone Landscape Planning, LLC	Jan-Willem Jansens, Owner	(505) 470-2531	<a href="mailto:rwjansens@ecotonelandscapeplanning.com">rwjansens@ecotonelandscapeplanning.com</a>	<a href="https://www.ecotonelandscapeplanning.com/">https://www.ecotonelandscapeplanning.com/</a>	Coordinates watershed projects in Lower Embudo watershed.
Estancia Basin Watershed Health Restoration & Monitoring Project	Joseph Zebrowski, Meeting Facilitator Diedra Tarr, Project Officer	(505) 847-2243	<a href="mailto:jzebrowski@nmhu.edu">jzebrowski@nmhu.edu</a> <a href="mailto:dierdre.tarr@nm.nacdn.net">dierdre.tarr@nm.nacdn.net</a>	<a href="http://allaboutwatersheds.org">allaboutwatersheds.org</a>	The mission of the ERWHRM Project is to improve watershed health and conservation in the Estancia basin.

SFC CLERK RECORDED 05/28/2025

Gila Conservation Coalition	Alyson Slwik	(575) 538-8078	<a href="mailto:info@gilaconservation.org">info@gilaconservation.org</a>	<a href="https://www.gilaconservation.org/">https://www.gilaconservation.org/</a>	The GCA protect the free flow of the Gila and San Francisco Rivers and the wilderness characteristics of the Gila and Aldo Leopold Wilderness areas
Grant SWCD	Rebecca Benavidez, Project Coordinator	(575) 388-1569 Ext. 3248	<a href="mailto:grantswcd@zianet.com">grantswcd@zianet.com</a>		
Hermit's Peak Watershed Alliance	Lea Knutson, Executive Director	(505) 425-5514	<a href="mailto:lknutson@hermitspeakwatersheds.org">lknutson@hermitspeakwatersheds.org</a>	<a href="http://www.hermitspeakwatersheds.org">www.hermitspeakwatersheds.org</a>	HPA serve the Gallinas, Sapello, and Tecolote Watersheds.
La Huertas Watershed Group	Reid Bandeen, Joan Fenicle	(505) 867-5477, (505) 771-4007	<a href="mailto:Rbandeen@aol.com">Rbandeen@aol.com</a>	<a href="https://lasplacitas.org/">https://lasplacitas.org/</a>	Under the La Placitas Organization
Lava SWCD	Cynthia Spidle	(505) 287-4045 Ext 101	<a href="mailto:cynthia.spidle@nm.nacdn.net">cynthia.spidle@nm.nacdn.net</a>		Meeting time is the first Wednesday of every month starting at 6 00pm.
Paso del Norte Watershed Council	Conrad Keyes, Gil Sorg, chairs		<a href="mailto:ckeyes@nmsu.edu">ckeyes@nmsu.edu</a> , <a href="mailto:gsorg@las-cruces.org">gsorg@las-cruces.org</a>	<a href="http://smiley.nmsu.edu/pdnwc/index.html">http://smiley.nmsu.edu/pdnwc/index.html</a>	
San Francisco River Association	Howard Hutchinson, Chairman	(575) 539-2593	<a href="mailto:sfswcd@gmail.com">sfswcd@gmail.com</a>	<a href="https://sfswcd.org/">https://sfswcd.org/</a>	San Francisco SWCD board of supervisors are held on the Monday before the second Tuesday of each month.
San Juan – Chama Watershed Partnership	Claudia Reynoso		<a href="mailto:sjcwatershedpartnership@gmail.com">sjcwatershedpartnership@gmail.com</a>	<a href="http://www.sanjuanchama.org">www.sanjuanchama.org</a>	Affiliated with Chama Peak Land Alliance
San Juan Soil & Water Conservation District / San Juan Watershed Group	Alyssa Richmond	(505) 234-6040	<a href="mailto:alyssa_richmond@sanjuanswcd.com">alyssa_richmond@sanjuanswcd.com</a>	<a href="https://www.sanjuanswcd.com/">https://www.sanjuanswcd.com/</a>	The SJWG works to protect and restore water quality in the San Juan River Watershed in Southern Colorado and Northern New Mexico.
Santa Fe Watershed Association	Andy Otto - Executive Director	(505) 820-1696	<a href="mailto:andy@santafewatershed.org">andy@santafewatershed.org</a>	<a href="http://santafewatershed.org">http://santafewatershed.org</a>	The mission of the Santa Fe Watershed Association is to protect and restore the health and vibrancy of the Santa Fe River and its watershed.

Save Our Bosque Task Force	Danielle Hensley - Program Director	(612) 267-8959	<a href="mailto:sobtf07@gmail.com">sobtf07@gmail.com</a>	<a href="https://www.sobtf.org">https://www.sobtf.org</a>	The SOBTF works collaboratively to support a healthy Rio Grande bosque and riparian ecosystem in central New Mexico
Taos Soil and Water Conservation District	Peter Vigil, District Manager	(575) 751-0584	<a href="mailto:info@tswcd.org">info@tswcd.org</a>	<a href="https://tswcd.org/">https://tswcd.org/</a>	Focuses on watersheds and streams in Taos County.
Tijeras Creek Watershed Collaborative	Steve Glass	(505) 761-5446	<a href="mailto:stvglass@gmail.com">stvglass@gmail.com</a>	<a href="https://sites.google.com/site/tijerascreekwc/">https://sites.google.com/site/tijerascreekwc/</a>	TCWC is an interagency initiative focused on preserving and improving the Tijeras Creek Watershed ecological and cultural landscapes through public education and on-the-ground restoration
Upper Gila Watershed Alliance	Donna Stevens	(575) 590-5698	<a href="mailto:info@ugwa.org">info@ugwa.org</a>	<a href="http://ugwa.org">http://ugwa.org</a>	Advocacy, restoration, and education in the Gila watershed
Upper Pecos Watershed Association	Frank Adele	(505) 757-3600	<a href="mailto:upwa@pecoswatershed.org">upwa@pecoswatershed.org</a>	<a href="https://pecoswatershed.org/wp-home/">https://pecoswatershed.org/wp-home/</a>	The UPWA was formed in July of 2006 to address non-point source pollution and related issues in the Pecos River watershed.

## APPENDIX 2

(Comments on Forming Nonprofit Watershed Associations)

### 2023 New Mexico Statutes Chapter 53 - Corporations Article 8 - Nonprofit Corporations

- Section 53-8-1 - Short title.
- Section 53-8-2 - Definitions.
- Section 53-8-3 - Applicability.
- Section 53-8-4 - Purposes.
- Section 53-8-5 - General powers.
- Section 53-8-6 - Defense of ultra vires.
- Section 53-8-7 - Corporate name.
- Section 53-8-7.1 - Reserved name.
- Section 53-8-8 - Registered office and registered agent.
- Section 53-8-9 - Change of registered office or registered agent.
- Section 53-8-10 - Service of process on corporation.
- Section 53-8-11 - Members.
- Section 53-8-12 - Bylaws.
- Section 53-8-13 - Meetings of members.
- Section 53-8-14 - Notice of members' meetings; waiver.
- Section 53-8-15 - Voting.
- Section 53-8-16 - Quorum.
- Section 53-8-17 - Board of directors.
- Section 53-8-18 - Number and election of directors.
- Section 53-8-18.1 - Repealed.
- Section 53-8-19 - Vacancy.
- Section 53-8-20 - Quorum of directors.
- Section 53-8-21 - Committees.
- Section 53-8-22 - Directors' meetings.
- Section 53-8-23 - Officers.
- Section 53-8-24 - Removal of officers.
- Section 53-8-25 - Liability.
- Section 53-8-25.1 - Duties of directors.
- Section 53-8-25.2 - Liability of directors.
- Section 53-8-25.3 - Nonprofit corporations; boards of directors; liability; immunity.
- Section 53-8-26 - Indemnification of officers and directors.
- Section 53-8-27 - Books and records.
- Section 53-8-28 - Shares of stock and dividends prohibited; exemption from franchise tax.
- Section 53-8-29 - Loans to directors and officers.
- Section 53-8-30 - Incorporators.
- Section 53-8-31 - Articles of incorporation.
- Section 53-8-32 - Filing of articles of incorporation.
- Section 53-8-33 - Effect of incorporation.
- Section 53-8-34 - Organization meetings.
- Section 53-8-35 - Right to amend articles of incorporation.
- Section 53-8-36 - Procedure to amend articles of incorporation.
- Section 53-8-37 - Articles of amendment.
- Section 53-8-38 - Effectiveness of amendment.

- Section 53-8-39 - Restated articles of incorporation.
- Section 53-8-40 - Procedure for merger.
- Section 53-8-41 - Procedure for consolidation.
- Section 53-8-42 - Adoption of merger or consolidation.
- Section 53-8-43 - Articles of merger or consolidation.
- Section 53-8-44 - Effect of merger or consolidation.
- Section 53-8-45 - Merger or consolidation of domestic and foreign corporations.
- Section 53-8-46 - Sale, lease, exchange or mortgage of assets.
- Section 53-8-47 - Voluntary dissolution.
- Section 53-8-48 - Distribution of assets.
- Section 53-8-49 - Plan of distribution.
- Section 53-8-50 - Revocation of voluntary dissolution proceedings.
- Section 53-8-51 - Articles of dissolution.
- Section 53-8-52 - Filing of articles of dissolution.
- Section 53-8-53 - Revocation of certificate of incorporation.
- Section 53-8-54 - Issuance of certificate of revocation.
- Section 53-8-55 - Jurisdiction of court to liquidate assets and affairs of corporation.
- Section 53-8-56 - Procedure in liquidation of corporation by court.
- Section 53-8-57 - Qualification of receivers.
- Section 53-8-58 - Filing of claims in liquidation proceedings.
- Section 53-8-59 - Discontinuance of liquidation proceedings.
- Section 53-8-60 - Decree of involuntary dissolution.
- Section 53-8-61 - Filing of decree of dissolution.
- Section 53-8-62 - Deposits with state treasurer.
- Section 53-8-63 - Survival of remedy after dissolution.
- Section 53-8-64 - Admission of foreign corporation.
- Section 53-8-65 - Powers of foreign corporation.
- Section 53-8-66 - Corporate name of foreign corporation.
- Section 53-8-67 - Change of name by foreign corporation.
- Section 53-8-68 - Application for certificate of authority.
- Section 53-8-69 - Filing of application for certificate of authority.
- Section 53-8-70 - Effect of [certificate of] authority.
- Section 53-8-71 - Registered office and registered agent of foreign corporation.
- Section 53-8-72 - Change of registered office or registered agent of foreign corporation.
- Section 53-8-73 - Service of process on foreign corporation.
- Section 53-8-74 - Repealed.
- Section 53-8-75 - Merger of foreign corporation authorized to conduct affairs in this state.
- Section 53-8-76 - Amended certificate of authority.
- Section 53-8-77 - Withdrawal of foreign corporation.
- Section 53-8-78 - Filing of application for withdrawal.
- Section 53-8-79 - Revocation of certificate of authority.
- Section 53-8-80 - Issuance of certificate of revocation.
- Section 53-8-81 - Conducting affairs without certificate of authority.
- Section 53-8-82 - Annual report.
- Section 53-8-83 - Filing of annual report; initial report; supplemental report; extension of time.
- Section 53-8-84 - Repealed.
- Section 53-8-85 - Fees for filing documents and issuing certificates.
- Section 53-8-86 - Recordkeeping.

- Section 53-8-86.1 - Fees of secretary of state; dishonored check; civil penalty; suspension of filing.
- Section 53-8-87 - Miscellaneous charges.
- Section 53-8-88 - Penalty imposed upon corporation.
- Section 53-8-88.1 - Dormant corporations; statement in lieu of annual report.
- Section 53-8-89 - Reports; affirmation; penalty.
- Section 53-8-90 - Authority to make refunds.
- Section 53-8-91 - Appeal from commission [secretary of state].
- Section 53-8-92 - Issuance of certificate of good standing and compliance.
- Section 53-8-93 - Certificates and certified copies to be received in evidence.
- Section 53-8-94 - Forms to be furnished by corporation commission [secretary of state].
- Section 53-8-95 - Greater voting requirements.
- Section 53-8-96 - Waiver of notice.
- Section 53-8-97 - Action by members or directors without a meeting.
- Section 53-8-98 - Unauthorized assumption of corporate powers.
- Section 53-8-99 - Effect of repeal of prior acts.

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