

**MINUTES OF THE REGULAR MEETING OF
THE BOARD OF WATER AND SEWER COMMISSIONERS
JULY 16, 2026 AT 8:30 A.M.,
IN THE PLANNING ROOM AT THE MUNICIPAL BUILDING, 101 N. HALAGUENO
STREET, CARLSBAD, NM**

VOTING MEMBERS PRESENT:	Fred Beard John Bowen Robert Chavez Dennis Miehl	Member Member Member Member
VOTING MEMBERS ABSENT:	Craig Stephens	Member
EX-OFFICIO MEMBERS PRESENT:	Eddie Rodriguez Wendy Austin	Ex-Officio Ex-Officio/City Manager/ Secretary
EX-OFFICIO MEMBERS ABSENT:	Richard D. Lopez	Mayor
OTHERS PRESENT:	Ken Ahrens Ivan "Mike" Abell KC Cass Barbara Hodgson Melissa Salcido Matt Warner Richard Aguilar Anthony Hernandez Olga Ramirez	Deputy City Manager Director of Utilities Director of Operations City Attorney Finance Director WWTP Superintendent Environmental Services Superintendent Water Superintendent Assistant to City Manager

1. Roll Call and Determination of Quorum

F. Beard called roll and it was determined that there was a quorum of voting members.

**2. Consider Approval of Minutes of the Board of Water and Sewer Commissioners
Regular Meeting held June 18, 2026**

The motion was made by J. Bowen and seconded by D. Miehl to approve the Minutes of the Regular Board of Water and Sewer Commissioners meeting held on June 18, 2026. The vote was as follows: Yes: J. Bowen, R. Chavez, D. Miehl No: None Abstain: F. Beard Absent: C. Stephens. The Motion passed.

3. Consider Approval of request for Outside City Limits Water Service from Jonathan Soto for property located at 904 Montgomery Avenue

I. Abell stated Mr. Soto is requesting Water service for property located at 904 Montgomery Avenue which is located on the North side of Desert Willow Elementary school, which is part of the County. D. Miehl asked what the recommendation from the Water department was. I. Abell responded the City can provide Water service, he would recommend they annex into the City. D. Miehl asked what the difference was between this request than previous requests that have come before the board? I. Abell responded it is outside the City limits and has no sewer service,

although the City has a sewer service close but it would be consider outside City limits therefore, the City cannot provide sewer service. The customer would have to put a private lift station on his property. One of the issues is they would be installing a private utility into a public utility. J. Bowen asked if something similar has happened in the past and how was it handled. I. Abell stated in the past the Board has allowed other customers to have water service, but the recommendation was for them to annex. D. Miehl asked what size of meter they would install. I. Abell said it would be a 3/4inch meter. I. Abell mentioned Mr. Soto would have to contact NMED for permission to allow a septic tank on his property. The issue with this property is the homeowner doesn't have the amount of property required. J. Bowen stated it sounds like there are a lot of issues that come with this request, he asked what I. Abell's opinion was. I. Abell replied it could cause the City some issues to service Water to this property, but the City also needs housing and that's what Mr. Soto is trying to do. D. Miehl stated if they approve the Water service, the customer still has the issue of no sewer. He needs to resolve some of the issues before he gets water service. Councilor Rodriguez asked if Otis water was available for this property. I. Abell stated no sir, it is not. D. Miehl stated this looks more complicated than the usual requests, has this been explained to the customer? I. Abell stated yes, but the customer is wanting to get water before he purchases the land. R. Chavez asked if the customer could ask the county for a septic tank. I. Abell it's not up to the county it's up to the NMED.

W. Austin asked what the possibility of the NMED making an exception for the customer installing a septic tank and if so would he have to prove to NMED that he has the water before they approve the septic tank. I. Abell responded he's unsure, he would have to contact NMED. Councilor Rodriguez stated there is a minimum required acreage and this property doesn't have it.

The motion was made by D. Miehl and seconded by J. Bowen to deny the Outside City Limits Water Service. The vote was as follows: Yes: F. Beard, J. Bowen, R. Chavez, D. Miehl No: None Absent: C. Stephens. The Motion passed.

4. Utilities Department Monthly Reports presented by Ivan "Mike" Abell

I. Abell reported for the month of June the Water department pumped approximately 890.59 acre-feet from the Sheep's Draw, which is 9.6 million gallons a day. This is 32.98 acre-feet more than this time last year. The City is at 48% of their Water Rights. In the Double Eagle Water System, the Double Eagle department pumped about 95.69 acre-feet or about 31.1 million gallons. He reported they pumped 503.79 acre feet of the 7648 acre feet that is available at Double Eagle. They have used about 7% of their Water Rights. They delivered 21.09 acre feet to the City which is about 6.87 million gallons a day. Customers on the Double Eagle water system used approximately 3.96 million gallons. The WWTP treated about 2.60 million gallons of sewage and treated about 316 thousand gallons of septage. They delivered 12.51 million gallons of Effluent to the Municipal Golf Course and had approximately 9.13 acre feet or 2.97 million gallons in Effluent sales for the month of June. There are approximately 13,623 water meters which is an increase of 389 meters from last month.

Precipitation for the month of June was 2.84 inches.

5. Discussion regarding the process of Letters of No Responsibility for Utility Accounts

W. Austin stated the City follows New Mexico State Statutes. She explained in State Statue Chapter 3 Section 3-23-6 it authorizes a municipality to file a lien if someone hasn't paid their utility bill. In Section C there is an exception, the municipality cannot file a lien if there is a letter of

no responsibility on file. W. Austin mentioned there is no specific statute of limitations for the payment of utility bills. She stated even though the City doesn't put a lien on the property, the City continues to try to collect the unpaid balance. Councilor Rodriguez asked if the bill is unpaid the meter is locked once it's paid it's unlocked? W. Austin responded yes, that's correct. M. Salcido mentioned it does become an issue when the homeowner tries to sell the house and there's a lien. W. Austin stated the unpaid balance is for the customer not the property so M. Salcido does check periodically if the property has been sold, she will remove the letter of no responsibility. Councilor Rodriguez asked how much the percentage was allowed that the City could write off. M. Salcido stated 15% but the most the City has had to write off was 1%.

With no further business to discuss, F. Beard declared the meeting is adjourned.

Chairman