

Minutes of NM WARN Executive Committee Meeting 02-26-08

Attendees: Matt Holmes, NM Rural Water Association – matt@nmrwa.org
Jerry Lewis, NMED/DWB – jerome.lewis@state.nm.us
Evonne Gantz, NMDHSEM – evonne.gantz@state.nm.us

1. Election of NM WARN Executive Committee Chairperson
 - A. Matt Holmes of NMRWA volunteered to be the chairperson, no election necessary.
 - B. Matt will need all the help, the other committee members can provide.
2. Jerry Lewis gave a short power point presentation on “Key Points from the AWWA WARN Chairperson Workshop” he attended in Denver Jan. 17 and 18, 2008. This was a very valuable experience that gave great insight as to how other states worked through problems and obstacles creating mutual aid agreements, setting up websites, organizing state WARN programs, etc.
3. Evonne Gantz reported on the questions posed to the NM DHSEM lawyer regarding the NM IMA Act and how it affects the NM WARN Agreement. Basically, this act allows all entities covered by the Act to enter other agreements and “does not affect any other agreement to which a political subdivision is a party or may become a party”.
4. Participants decided to use the “model WARN agreement” as the template for the NM WARN agreement, which we will change as appropriate.
5. Attendees went through the differences between the 3 WARN agreements: California (model), Florida and Utah. Generally, we decided to adopt the language of the model agreement with some language pulled in from the Florida agreement.
6. The most difficult section to resolve was “indemnification and Hold Harmless”. We decided to go with the model agreement language that requires the requesting system to hold the assisting system “Harmless” in all situations. However, we also decided to have a back-up plan to go with language from the Utah agreement as an alternative. The Utah agreement makes the requesting utility responsible for holding the assisting system “Harmless”, except when there is negligence is involved. The Steering Committee will have to decide which language to use.
7. Completed the review of the entire agreement and agreed to language changes.
8. The next meeting of the NM WARN Executive Committee will be held on Tuesday April 1, 2008 at 1:30 PM at the NMED offices at 5500 San Antonio Dr. NE in Albuquerque.

9. Homework for the next meeting
 - A. Jerry Lewis will create minutes of this meeting and send them out to interested parties.
 - B. Matt Holmes will make all the proposed changes to the model agreement and send the proposed agreement out to all the Executive Committee members prior to the next meeting for review.
 - C. Evonne Gantz will ask her department's attorney whether or not NM statute contains any prohibition against NM water utilities entering into a mutual aid agreement with a utility in another state.
 - D. All Executive Committee members need to review the proposed NM WARN agreement and be prepared to discuss the proposed agreement, so a finalized draft agreement can be prepared.

Acronyms

ABCWUA – Albuquerque-Bernalillo County Water Utility Authority
AWWA – American Water Works Association
CWS – Community Water Systems
EMAC – Emergency Management Assistance Compact (interstate mutual aid)
NM IMA Act – NM Intrastate Mutual Aid Act
NM IMAS – NM Intrastate Mutual Aid System
NM DPS – NM Department of Public Safety
NMED/DWB – NM Environment Department, Drinking Water Bureau
NMDHSEM – NM Department of Homeland Security and Emergency Management
NMRWA – NM Rural Water Association
WARN – Water Wastewater Agency Response Network