

MEETING MINUTES

## ENMWUA Regular Board Meeting

DATE: Thursday, December 15, 2022

LOCATION: Clovis Carver Library (Ingram Room), 701 North Main Street, Clovis, NM

1 **1. Call to Order**

2 The meeting was called to order at 3:02 PM

3 **2. Roll Call**

4 Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris,  
5 Secretary Bryant, Vice-Chair Jackson, and Member Lucero, Member Dixon and Member Garza were absent.  
6 ENMWUA Administrator Orland Ortega and staff as well as ENMWUA Attorney Kameron Barnett, Wendy  
7 Christofferson with Jacobs Engineering, Jim Honea with Jacobs Engineering joined via video conference.  
8 Members of the public that attended: Max Carter Councilman of Texico, Kathleen Stinson from the Eastern New  
9 Mexico News, and Jeff Tharp with I.T.S. Refrigeration & Heating, Inc.

10 **3. Approval of Agenda**

11 A motion to adopt the agenda was unanimously approved.

<b>Result:</b>	Approved by Vote (4-0)
<b>Ayes:</b>	4
<b>Nays:</b>	0

12

13 **4. Approval of Minutes**

14 a) There was a motion to approve the minutes from the regular Board Meeting held on Thursday  
15 November 17, 2022, at 2:00 p.m. at the Elida Community Center. A motion to adopt the minutes was  
16 unanimously approved.

<b>Result:</b>	Approved by Vote (4-0)
<b>Ayes:</b>	4
<b>Nays:</b>	0

17

18 **5. Public Input**

19 Chairman Morris offered the opportunity for public input, and no public input was made at this time.

20 **6. Monthly Financials**

21 a) Approval of Monthly Financials for the Month Ending November 30, 2022 – Marez, Ortega. Ms. Marez  
22 reported the total revenues for the month ending November 30, 2022, in the amount of \$665,213.86 of  
23 that amount the Authority received revenue from Federal USBR funds for a total of \$643,009.70 which  
24 includes FW3A Pay App 16, FW3A Pay App 17, October Task Order 6, October Task Order 11, and FW3B  
25 payment to property owners. The ENMWUA also received State funds for a total of \$21,221.63 which was  
26 Water Trust Board, WPF-5416 and October Task Order 13-FW1 invoice. Interest earned for the month of  
27 November was \$982.53 total expenditures reported for the month of November was \$141,908.35. Ms.  
28 Marez advised some of those expenditures included out going payments for FW3A Pay App 16 in the  
29 amount of \$57,587.44, FW1 (Task Order 13) in the amount of \$21,221.63, FW3A property owner for loss  
30 of cow in the amount of \$1,250.00. The reported ENMWUA bank account balances as of November 30,  
31 2022, were as follows: Business Checking Account had a balance of \$498,319.87, The Money Market  
32 Account had a balance of \$2,391,803.26, The Capital Construction Account had a balance of \$927,842.84,  
33 The CD balance was at \$2,541,595.63. Ms. Marez reported as of today December 15, 2022, the ENMWUA  
34 Business Checking Account balance was at \$461,351.51, The Money Market Account was at  
35 \$2,391,803.26, The Capital Construction Account was at \$ 278,482.91, The CD balance was reported the  
36 same at \$2,541,595.63. The total balance of all Authority accounts as of December 15, 2022, was reported  
37 at \$5,673,233.31. A motion was made for approval of the monthly financials, and a roll call vote took  
38 place.  
39

**Result:** Approved by Vote (4-0)  
**Motion:**  
**Bryant**  
**Second:**  
**Jackson**  
**Ayes: 4**  
**Nays: 0**

40  
41 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking  
42 Account #7101 – Marez, Ortega. Ms. Marez informed the Board Members at this time the Authority is not  
43 requesting a monthly transfer for funds.  
44

45 **7. New Business Items**

46 a) Recommendation for Approval of Amendment #11 of the 2020 Engineering Services Contract with  
47 Ch2M/Jacobs Engineering Removing Task Orders 8, 12, and 14 involving Completed Tasks of the ENMRWS  
48 Project – Ortega. Mr. Ortega explained to the Board Members that this request from the ENMWUA  
49 administration is for removing completed Task orders from the 2020 Engineering Services Contract with  
50 Jacobs Engineering which include:

- 51 • Task Order 8 involved the Texico Lateral Alignment Study this work is complete, and our project  
52 accounting reflects a credit balance of \$94.46.
- 53 • Task Order 12 involved the work on updating the ENMRWS overall cost estimate. This work is completed,  
54 and our project accounting reflects a credit balance of \$11.85.

55  
56  
57  
58  
59

- Task Order 14 involves the early workj on Elida Lateral, RW2, and RW1 planning. This work is complete, and our project accounting reflects a credit balance of \$377.88.
- Mr. Ortega advised this item did go before the Finance Committee for their review, discussion, and recommendation. A motion was made for approval, and a roll call vote took place.

<b>Result:</b>	Approved by Vote (4-0)
<b>Motion:</b>	Lucero
<b>Second:</b>	Bryant
<b>Ayes:</b>	4
<b>Nays:</b>	0

60

61 b) Request for Approval of Easement Agreements with Richard W. Arnold, Andrea L. Arnold, and the  
62 ENMWUA for FW3B Pipeline Phase. Parcel 1 000 000 001 430 00 (Parcel P) – Ortega. Mr. Ortega reported  
63 this is a permanent and temporary construction easement for FW3B pipeline project. He advised the  
64 property owners have accepted the easements purchase offer and have signed both agreements. The  
65 Authority would like to make a recommendation for the Board to approve both easement agreements. A  
66 motion was made for approval, and a roll call vote took place.

<b>Result:</b>	Approved by Vote (4-0)
<b>Motion:</b>	Jackson
<b>Second:</b>	Bryant
<b>Ayes:</b>	4
<b>Nays:</b>	0

67

68 c) Request for Approval of Easement Agreements with Dixie Kingston and the ENMWUA for FW3B Pipeline  
69 Phase. Parcel 4 000 000 001 823 00 (Parcel S) – Ortega. Mr. Ortega explained that this is a permanent and  
70 temporary construction easement for FW3B pipeline project. The property owners have accepted the  
71 easements purchase offer and have signed both agreements. The Authority would like to make a  
72 recommendation for the Board to approve both easement agreements. A motion was made for approval,  
73 and a roll call vote took place.

<b>Result:</b>	Approved by Vote (4-0)
<b>Motion:</b>	Jackson
<b>Second:</b>	Lucero

**Ayes: 4**

**Nays: 0**

74

75 d) Request for Approval of Easement Agreements with Daniel Singleterry, Wanda Singleterry, and the  
76 ENMWUA for FW3B Pipeline Phase. Parcel 4 000 000 002 389 00 (Parcel T) – Ortega. Mr. Ortega described  
77 that this is a permanent and temporary construction easement for FW3B pipeline project. The property  
78 owners have accepted the easements purchase offer and have signed both agreements. The Authority  
79 would like to make a recommendation for the Board to approve both easement agreements. A motion  
80 was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)

**Motion:**  
**Bryant**

**Second:**  
**Jackson**

**Ayes: 4**

**Nays: 0**

81

82 e) Request for Approval of Easement Agreement with Howard Simpson and the ENMWUA for FW3B  
83 Pipeline Phase. Parcel 4 110 000 002 864 00 (Parcel AA) – Ortega. Mr. Ortega shared this is a permanent  
84 easement for FW3B pipeline project. The property owner has accepted the easement purchase offer and  
85 has signed the agreement. The Authority would like to make a recommendation for the Board to approve  
86 the easement agreement. A motion was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)

**Motion:**  
**Jackson**

**Second:**  
**Bryant**

**Ayes: 4**

**Nays: 0**

87

88 f) Request for Approval of Easement Agreements with Howard Simpson and the ENMWUA for FW3B  
89 Pipeline Phase. Parcel 4 110 000 002 864 01 (Parcel Y) – Ortega. Mr. Ortega stated that this is a permanent  
90 and temporary construction easement for FW3B pipeline project. The property owner has accepted the  
91 easements purchase offer and has signed both agreements. The Authority would like to make a  
92 recommendation for the Board to approve both easement agreements. A motion was made for approval,  
93 and a roll call vote took place.

**Result:** Approved by Vote (4-0)  
**Motion:**  
**Bryant**  
**Second:**  
**Jackson**  
**Ayes: 4**  
**Nays: 0**

94

95 g) Request for Approval of Easement Agreements with Algrano Peanut Shelling, LLC and the ENMWUA for  
96 FW3B Pipeline Phase. Parcel 4 100 000 002 302 00 (Parcel AS) – Ortega. Mr. Ortega advised this is a  
97 permanent and temporary construction easement for FW3B pipeline project. The property owners have  
98 accepted the easements purchase offer and have signed both agreements. The Authority would like to  
99 make a recommendation for the Board to approve both easement agreements. A motion was made for  
100 approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)  
**Motion:**  
**Lucero**  
**Second:**  
**Jackson**  
**Ayes: 4**  
**Nays: 0**

101

102 h) Recommendation/Action for Approval of Annual Contract with Thompson Consulting, LLC – Ortega,  
103 Bowens. Mr. Ortega explained this contract is with Thompson Consulting, LLC involving consulting services  
104 and legislative support for the ENMWUA. He stated that this contract has been renewed annually and  
105 begins on January 1<sup>st</sup> of the calendar year. The contract has been reviewed by the ENMWUA administrator,  
106 Chief Procurement Officer Ms. Bowens, the Finance Committee, ENMWUA attorney, and Thompson  
107 Consulting, LLC. Chief Procurement Officer Ms. Bowens further elaborated the procurement type is a  
108 contract renewal for professional services under \$60,000. Contract type is a one-year fixed rate contract,  
109 this procurement meets state statues 13-1-125 subsection B, internal policies, and budgetary guidelines  
110 for this type of procurement. A motion was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)  
**Motion:**  
**Jackson**  
**Second:**  
**Lucero**  
**Ayes: 4**

Nays: 0

111

112 i) Recommendation/Action for Approval of Annual Contract with Capitol Consultants, LLC – Ortega,  
113 Bowens. Mr. Ortega informed the Board members that this contract with Capitol Consultants, LLC involves  
114 consulting services, federal and congressional support for the ENMWUA. This contract has been renewed  
115 annually and begins on January 1<sup>st</sup> of the calendar year. Mr. Ortega further stated the contract has been  
116 reviewed by the ENMWUA administrator, Chief Procurement Officer Ms. Bowens, Finance Committee,  
117 and Capitol Consultants, LLC. Mr. Ortega then referred to Ms. Bowens to present her review regarding  
118 procurement of this contract. Ms. Bowens described the procurement type is a contract renewal for  
119 professional services under \$60,000. Contract type is a one-year fixed rate contract, this procurement  
120 meets state statues 13-1-125 subsection B, internal policies, and budgetary guidelines for this type of  
121 procurement. A motion was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)

**Motion:**  
Jackson

**Second:**  
Bryant

**Ayes:** 4

**Nays:** 0

122

123 j) Recommendation for Adoption of Resolution 2022-16 Updating Per Diem Rates for the Travel of Public  
124 Employees and Public Officials of the ENMWUA – Ortega, Bowens. Mr. Ortega reported the State of New  
125 Mexico has updated their per diem rates and the ENMWUA is proposing to match the State’s per diem  
126 rates. Chief Procurement Officer, Ms. Bowens shared the purpose of this policy is in place to ensure the  
127 Authority’s staff and Board members are in compliance with all rules and regulations required by State  
128 Statue 10-8-1 “Per Diem and Mileage Act”. Ms. Bowens advised the recommended changes are, under  
129 section 2 subsection A. The ENMWUA administration is proposing an increase to our per diem rate. This  
130 increased rate aligns with the published DFA per diem rate increase for FY 2023 effective July 1, 2022 and  
131 is in compliance with State Statue 10-8-4.B. A motion was made for approval, and a roll call vote took  
132 place.

**Result:** Approved by Vote (4-0)

**Motion:**  
Lucero

**Second:**  
Jackson

**Ayes:** 4

**Nays:** 0

133

134 k) Recommendation for Adoption of Vacation/Paid Time Off (PTO) Policy – Ortega. Mr. Ortega explained  
135 that this is a new proposed policy regarding paid vacation for ENMWUA employees. The primary purpose  
136 of the policy is to allow for a certain amount of vacation hours to carry over to the next year. Mr. Ortega  
137 stated that in its present structure, the ENMWUA employee’s contract states the employee must use all  
138 their vacation by end of calendar year. This generally forces the employee to take the bulk of their vacation  
139 during the fall and winter months leading up to the end of the calendar year. Mr. Ortega advised the  
140 proposed policy allows the employee to carry over vacation to the next year. In the case of the ENMWUA  
141 employee working 32 hours per week, 33.28 hours of vacation/PTO hours earned within a calendar year  
142 (half of total year vacation earned) can be carried over to the next year, not to exceed a total accumulation  
143 of 100 hours for any given year. This formula allows and encourages the employees to take vacation  
144 sporadically throughout the year, but also allows the employee to accumulate a lengthier time in the event  
145 of a desire for an extended vacation during the summer/warmer months. Mr. Ortega reported that this  
146 item has been presented to the ENMWUA Development & Policy Committee for review, discussion, and  
147 recommendation. A motion was made for approval, and a roll call vote took place.

<b>Result:</b>	Approved by Vote (4-0)
<b>Motion:</b>	
<b>Jackson</b>	
<b>Second:</b>	
<b>Bryant</b>	
<b>Ayes: 4</b>	
<b>Nays: 0</b>	

148

149 **8. Unfinished Business – N/A**

150

151 **9. Reports from Board members and Staff**

152

153 a) FW2 and Intake Facility O&M Report – Tharp. Mr. Tharp stated the cathodic protection survey was done  
154 at FW2 in November. He advised that he is having some trouble getting in contact with the manufacturer  
155 of the valve at the intake facility as one of the valves is stuck halfway open. Mr. Ortega further elaborated  
156 as soon as the Authority can communicate with them on site, we can find direction as to repairing that  
157 valve.

158

159 b) Project Development Activities – Jacobs, Jim Honea, Wendy Christofferson  
160 FW3A – Ms. Christofferson announced all that is needed to be completed is one manhole lid and other  
161 than that FW3A is complete. They are also in the process of finalizing record drawing and O&M manual  
162 for that segment.

163 FW1 – Ms. Christofferson shared Jacobs is currently in progress with several submittals and RFI’s. She  
164 further stated that based on production the anticipated delivery for pipe will be sometime in the summer  
165 of 2023.

166 RW3 – Ms. Christofferson informed the Board members that Jacobs is finalizing a 60% cost estimate and  
167 progressing the 90% design. Also finalizing legals and starting easement acquisition on several parcels.

168 FW3B – Ms. Christofferson reported the easement acquisition is in progress, 13 properties have signed  
169 out of 26 that are needed. Jacobs is progressing 100% permitting submittal which is currently in quality  
170 control to review and be submitted to NMED in January.

171 Texico Lateral – Ms. Christofferson explained they are progressing the 60% design and working with EPCOR  
172 on the tie end location at the airport.

173 RW1/RW2 – Jacobs has completed the aerial flight survey and are starting the land net mapping on  
174 property corners. Geotech investigation planned to start early 2023.

175 Elida Lateral – Ms. Christofferson advised that survey and utility work is ongoing as well as Geotech  
176 investigation.

177 Intake Pump Station – Ms. Christofferson shared that she had a meeting with Administrator Ortega on the  
178 discussion of coordination with Quay County interests. Jacobs is still progressing some of the condition  
179 assessment on the intake pump station.

180 Caprock Pump Station – Ms. Christofferson advised the Geotech field investigation should be completed  
181 this week.

182 Water Treatment Plant – Jacobs is preparing an alternative analysis for the water treatment plant in  
183 addition to gathering information from several utilities in the area. Also developing non-cost criteria and  
184 developing capital and operations cost.

185

186 c) Ute Reservoir USGS Report – Marez. Currently the Ute Reservoir Water Surface Elevation in ac/ft as of  
187 November 15, 2022, the Reservoir sat at 3,775.10 ft and as of today December 15, 2022, was reported at  
188 3,774.77 ft for a loss of 3.96 inches. The Storage in ac/ft as of November 15, 2022, the Reservoir sat at  
189 129,800 ac/ft and as of today December 15, 2022, was reported at 128,200 ac/ft for a loss of 1,600 ac/ft.  
190

191 d) State Activities – Thompson. Mr. Thompson reported in relation to the Authority’s request for \$10  
192 million dollars this session from the New Mexico Legislature. The Legislative Finance Committee staff  
193 informed Mr. Thompson that they did not need to meet again with Administrator Ortega. He advised that  
194 the LFC is satisfied that the Authority is doing what is needed. Mr. Thompson shared that he reached out  
195 to Rolf Schmidt Peterson at the ISC as construction is ultimately taking us to the intake structure and we  
196 need to make sure that we brief them as well.  
197

198 e) Federal Activities – Ryan. Mr. Ryan stated that what is happening regarding the fiscal year 2023 money  
199 for not only the Department of Interior and the Bureau but for the entire government is, that they are  
200 under a continuing resolution until the 16<sup>th</sup> of December. Mr. Ryan informed the Board members that the  
201 Senate is working on an omnibus appropriation bill, and they are likely going to need until December 22,  
202 2022. Senator McConnell, the Republican leader in the Senate has agreed to work with the Democrats  
203 and pass an omnibus bill. Mr. Ryan advised he received a letter from Senator Heinrich which states that  
204 Eastern New Mexico appreciates the funding for fiscal year 2022. It allowed us to move a whole bunch of  
205 phases at once and for fiscal year 2023, Eastern New Mexico is capable of spending 180 million in the fiscal  
206 year.  
207

208 f) Report from the Chair – Morris. Chairman Morris shared that he met with members of our delegation  
209 concerning legislative priorities of the city but took the opportunity to speak with them about the project  
210 and our approach at the Legislative Finance Committee. He explained that he wanted to make sure we  
211 have their continued support with our project going forward.  
212

213 g) Report from the Administrator – Ortega. Mr. Ortega informed the Board members that the Authority  
214 just completed the fiscal year 2022 annual audit with the State of New Mexico auditor. He advised that



215 the ENMWUA staff spent several days providing information to the auditors that was requested. Mr.  
216 Ortega praised the staff for their hard work and dedication to the Authority and thanked the Board  
217 members that were able to participate in the exit interview conference. Mr. Ortega reported the Authority  
218 held its first FW1 construction meeting with representatives from Oscar Renda on board and Jacobs  
219 Engineering. He expressed that the ENMWUA continues to work diligently with all aspects of the project.  
220

221 **10. Future Agenda Items**

222 a) Next Regular Meeting, Date, Time, and Location: Tuesday January 31, 2023, 10:00 am at the New Mexico  
223 Municipal League Board Room, 1229 Paseo De Peralta, Santa Fe, NM 87501

224 **11. Public Input – N/A**

225

226 **12. For the Good of the Order – N/A**


227

228 **13. Adjournment**

229 Meeting adjourned officially at 3:59 p.m.

230 X  \_\_\_\_\_

231 Michael A. Morris  
232 Chairman  
233

X  \_\_\_\_\_

Chris Bryant  
Secretary