

MEETING MINUTES

ENMWUA Special Board Meeting

DATE: Thursday, September 29, 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 3:00 PM

3 **2. Roll Call**

4 Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris,
5 Secretary Bryant, and Member Garza. Vice-Chairman Jackson and Member Lucero joined via video conference.
6 Member Dixon was absent. Also present was ENMWUA Administrator Orland Ortega and staff, along with
7 ENMWUA Attorney Kameron Barnet. Jim Honea with Jacobs Engineering joined via video conference. Members
8 of the public that were in attendance included: Steve Hansen from the Eastern New Mexico News, and Tod
9 Phinney with Souder, Miller & Associates.

10 **3. Approval of Agenda**

11 A motion to adopt the agenda was unanimously approved.

Result: Approved by Vote (5-0)

Ayes: 5

Nays: 0

12

13 **7. New Business Items**

14 a.) Request for Approval of Financial Assistance Agreement R22AC00674 Titled Eastern New Mexico Rural
15 Water System Completion in the Amount of \$672,365,830.00 entered between the United States of
16 America, acting through the Department of the Interior, Bureau of Reclamation and Eastern New Mexico
17 Water Utility Authority pursuant to Public Law 111-11, Sec. 9103(d-e). – Ortega, Bowens, Barnett, and
18 Honea.

19 Mr. Ortega expressed the grant agreement is between the US Bureau of Reclamation and the Eastern New Mexico
20 Water Utility Authority. This Grant Agreement is for the remaining portion of the Eastern New Mexico Rural Water
21 System. It does not include Finished Water 3 and Finished Water 1 projects as both of those projects already have
22 agreements in place. The total amount of this agreement is \$672,365,830.00, with the 75% federal assistance
23 portion in the amount of \$504,274,374.00 and 25% non-federal match which is \$168,091,458.00. The amount of
24 funding to be entered into this agreement account for FY2022 is, \$115,833,297.00 with \$33,721.67 being deducted
25 for USBR administration costs. Mr. Ortega explained that the remaining funding will come over a five-year period
26 beginning in FY2022. Mr. Barnett spoke on behalf of the legal document being the grant agreement. Mr. Barnett
27 informed the Board Members that one of the important items in the agreement is the objectives and background
28 which discusses the purpose to provide a sustainable drinking water solution for the area. He further reported that
29 the Water Authority often gets asked to engage in other type of activities such as, water preservation or purchasing

30 short term supplies of water, those activities are not included for the purpose of this agreement. Mrs. Bowens spoke
31 on behalf of procurement and grant reporting. Ms. Bowens reported the USBR requires that the Authority complete
32 two reports on a semi-annual basis, the first being a financial report labeled SF 425 and the second being a
33 performance report which is a written report based on the work completed over the last six months. The Authority
34 must use its own documented procurement procedures which reflect state, local, and federal law. The procurement
35 procedures must meet or exceed federal standards identified within CRF200 of code of federal requirements. Mrs.
36 Bowens further advised under the wage rate, section 41101, of the bipartisan infrastructure law. It requires that all
37 laborers employed by contractors or subcontractors in performance of construction on a project assisted by funding
38 made available under the bipartisan infrastructure law shall be paid wages at the rate not less than those prevailing
39 on similar projects in the locality as determined by the Secretary of Labor. Mr. Honea with Jacobs announced that
40 the Build America Buy America focus is on buying domestic products however, there is a waiver process in the case
41 that material that's made in America is not available but is a need to complete a project. Mr. Honea stated that the
42 Build America, Buy America requires any iron and steel from the initial melting stage all the way through coding's
43 to be done in the United States. It also requires any other construction materials except for cement and concrete
44 related items be made in the US. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (5 -0)
Motion:	Garza
Second:	Bryant
Ayes:	5
Nays:	0

45
46 b.) Request for Approval of Amendment 001 to Assistance Agreement R21AC10443 between the United
47 States Department of the Interior, Bureau of Reclamation and the Eastern New Mexico Water Utility
48 Authority for the Purpose of adding Funds to the Award, Release Incremental Funding, and Add Two Terms
49 to the Agreement – Buy America Domestic Procurement Preference Term and Wage Rates Term. – Ortega.
50 Mr. Ortega advised that this is an amendment to the existing FW1 Agreement approved by the ENMWUA Board on
51 September 21, 2021 and approved by USBR on September 23, 2021. The original amount of this agreement was
52 \$61,886,378.47. At the time of approval, \$1,500,000.00 was placed into the account. The amended amount of the
53 agreement is \$77,019,247.33. The federal 75% share amount is \$57,764,435.33 and the non-federal 25% match is
54 \$19,254,811.83. The federal amount placed into the account at this time is \$56,246,066.13, for the total amount
55 for FW1 is \$57,746,066.13. This amount includes the \$1,500,000.00 that was already in the account also with
56 \$18,369.20 subtracted for USBR Administrative Costs. The purpose of this Amendment is to add funds to the award
57 as mentioned and to release the incremental funding. A motion was made for approval, and a roll call vote took
58 place.

Result:	Approved by Vote (5 -0)
Motion:	Bryant
Second:	Garza
Ayes:	5
Nays:	0

59
60 c.) Request for Approval of Amendment 003 to Assistance Agreement R20AC00022 between the United
61 States Department of the Interior, Bureau of Reclamation and the Eastern New Mexico Water Utility
62 Authority for the Purpose of Adding Funds to the Award, Release Incremental Funding, and Add Two
63 Terms to the Agreement – Buy America Domestic Procurement Preference Term and Wage Rates Term. –
64 Ortega. Mr. Ortega reported that this is an existing Grant Agreement approved by the ENMWUA Board on
65 September 14, 2020, and approved by USBR on September 16, 2020. The original amount of the agreement was
66 \$37,188,242.00 with \$14,141,181.00 placed into the account in FY2020 and FY2021. The amended amount of the
67 Grant Agreement is \$44,212,970.00, the Federal 75% portion is \$33,159,727.00, and the 25% non-federal match is
68 \$11,053,243.00. The federal amount placed in this account once this agreement is approved will be \$5,268,546.00.
69 The Authority’s non-federal match to date is \$13,441,008.29, which the ENMWUA has over matched to date by
70 \$2,387,765.20. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (5 -0)
Motion:	
Garza	
Second:	
Bryant	
Ayes: 5	
Nays: 0	

71
72 d) Request for Approval of Budget Adjustment Resolution 2022-14 for ENMWUA FY2023 Budget. – Ortega.
73 Mr. Ortega announced that this is the second Budget Adjustment to the FY2023 budget. This Resolution is regarding
74 the Boards approval on the previous three items of this agenda. The new revenues of this budget adjustment are
75 as follows, the USBR Grant Agreement No. R22AC00674 in the amount of \$115,833,297.00, USBR Grant Agreement
76 No. R21AC10443 (FW1 Amendment)- \$56,246,066.13, USBR Grant Agreement No. R20AC00022 (FW3 Amendment)-
77 \$5,268,546.00. The total budget revenue increase is \$177,347,909.13. This amount includes taking out the
78 administrative cost to USBR for \$52,090.87. Mr. Ortega further elaborated that the Authority has 13 projects in
79 which these funds will be allocated towards. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (5 -0)
Motion:	
Garza	
Second:	
Bryant	
Ayes: 5	
Nays: 0	

80
81 **10. Future Agenda Items**

82 a) Next Regular Meeting, Date, Time, and Location: Thursday, October 27, 2022, at 3:00 p.m. at the Portales
83 Memorial Building, 200 E. 7th Street, Portales, NM 88130.

84 **11. Public Input**

85 Mr. Tod Phinney with Souder, Miller & Associates addressed the Board and stated that he is a Civil Engineer and
86 works in Water Resources. He advised that he attended the Board Meeting simply to congratulate and applaud
87 the Authority in this event.

88 **12. For the Good of the Order**

89 Ms. Marez reported to the Board that the Authority received a notice from the Citizens Bank of Clovis that the
90 Certificate of Deposit rate has increased from a 1.50% to 2.15% interest rate for 12-month CD that was just
91 renewed last Board meeting adding more interest to the reserve funds.

92
93 **13. Adjournment**

94 Meeting adjourned officially at 3:37 p.m.

95 X  _____

96 Michael A. Morris
97 Chairman

98

X  _____

Chris Bryant
Secretary