

ENMWUA Regular Board Meeting

DATE: Thursday January 27, 2022

LOCATION: ENMWUA Office (Sitterly Professional Center), 801 Pile Street, Clovis, NM

Please Note:

Due to the COVID-19 concern, the Office of the Attorney General’s Open Government Division (OGD) advises all public entities subject to the OMA to first and foremost follow guidance of the Department of Health and other health officials to ensure the health and safety of both members of the entity and the public. Accordingly, the most prudent thing to ensure compliance with OMA would be to postpone/cancel a public meeting. If, however, a board or commission had a time-sensitive matter to attend to, it may proceed with virtual meeting, provided its notice of meeting contains detailed information (password, phone number, etc.) about how members of the public may attend and listen via telephone, live streaming, or other similar technologies.

-Office of the New Mexico Attorney General

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, Vice-
5 Chairman Jackson, Secretary Bryant, Member Carter, and Member Lucero. ENMWUA Administrator Orlando
6 Ortega and staff were present in-person. Robby Sanders with Smithco Construction, Jim Honea with Jacobs
7 Engineering, Joe Thompson with Thompson Consulting, John Ryan with Capitol Consultants were all present via
8 video conference. Members of the public that attended in-person included Mark Huerta with EPCOR, Jack
9 Muse, Tom Martin, and Steve Hansen with the Eastern New Mexico News.

10 **3. Approval of Agenda**

11 A motion to approve the agenda with the removal of item C was made, and a roll call vote took place.

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

12 **4. Approval of Minutes**

13 a.) There was a motion to approve the minutes from the regular Board Meeting held on Thursday, December 16,
14 2021, at 3:00 p.m. at the Sitterly Professional Center, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Jackson

Second:
Bryant
Ayes: 5
Nays: 0

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16 **5. Public Input**

17 Members of the public that were in attendance in-person included Mark Huerta, EPCOR, Jack Muse, Tom Martin,
18 Eastern News staff member Steve Hansen. No public comment was given.

19 **6. Monthly Financials**

20 a) Approval of Monthly Financials for the Month ending November 30, 2021 -Marez Ms. Marez stated the
21 total revenues for the month ending December 31, 2021, in the amount of \$1,696,251.53. Ms. Marez informed the
22 Board that the increase in revenues for the month of November included Federal Funds in the amount of
23 \$578,371.13 for payment towards FW3A Pay App 5, WTB WPF-4817 funds in the amount of \$1,116,541.31, also for
24 FW3A Pay App 5 and bank interest earned in the amount of \$1,339.09. Total expenditures for the month ending
25 December 31, 2021, were at \$1,694,912.44. The reported balances of the ENNMWUA bank accounts at The Citizens
26 Bank of Clovis were as followed: Business Checking account balance as of December 31, 2021, was \$337,576.83 and
27 reported as of January 27, 2022, the current balance of the Business Checking account is \$104,962.40. The balance
28 of the Money Market account as of December 31, 2021, was \$3,408,799.21 and balance as of January 27, 2022, is
29 \$3,408,799.21. The ENMWUA CD account balance as of December 31, 2021, was \$2,526,414.40 and the same
30 balance was reported as of January 27, 2022. The total balance of all Authority accounts as of December 31, 2021,
31 was reported at \$6,272,790.44. A motion was made for approval of monthly financials, and a roll call vote took
32 place.

Result: Approved by Vote (5-0)
Motion:
Lucero
Second:
Jackson
Ayes: 5
Nays: 0

33 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
34 Account #7101- Ortega. Mr. Ortega presented the monthly bank transfer request in the amount of \$850,000.00
35 from the ENMWUA Money Market account to the Business Checking account. A motion was made for approval,
36 and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:

Bryant

Second:

Lucero

Ayes: 5

Nays: 0

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39 **7. New Business Items**

40 a.) Recommendation for Approval of the Annual Review of the ENMWUA Easement Acquisition Plan. –

41 Ortega, Barnett. Mr. Ortega stated that this is an annual review of the ENMWUA Easement Acquisition Plan. The
42 only change made on the policy was an addition of an employee from Jacobs Engineering on the organizational
43 chart. A motion was made for approval, and a roll call vote took place.
44

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Carter

Ayes: 5

Nays: 0

45

46 b.) Recommendation for Adoption of Resolution 2022-01 Updating Per Diem Rates for the Travel of
47 Public Employees and Public Officials of the ENMWUA. – Ortega

48 Mr. Ortega explained that this Resolution 2022-01 is an annual update of the ENMWUA Per Diem policy. This policy
49 was last updated in June 2019 and will be updated on a yearly basis. Mr. Ortega asked Ms. Bowens to elaborate on
50 the recommended changes within the policy. Ms. Bowens explained the following recommended changes a
51 wording change from “public official”, and “public officer” to Board Member. Under section 2 it was recommended
52 by Ms. Bowens to add subsection D an Actual Reimbursement section for Partial Day Reimbursement. Ms. Bowens
53 stated that under Section 3 the recommended change is to remove the Method of Reimbursement section. Under
54 Section 4 the recommended changed is to add subsection C, this subsection is to set a standard mileage rate as is
55 assigned via §10-8-4. D. The last recommended change was under Section 4, to add subsection E which clarifies that
56 when lodging and/or meals are provided or paid for by the ENMWUA, or another entity, the employee or Board
57 Member must be reimbursed only for actual expenses. This recommended change follows NM Administrative Code
58 Rule 2.42.2.9 and was verified by DeAun Willoughby CPA, PA, the Authority’s Auditing firm. Ms. Bowens also noted
59 that Department of Finance and Administration has recommended a per diem rate increase, but the Authority
60 consulted with our auditing firm and has decided not to recommend a change to the current rate until the New
61 Mexico Administrative Code Rule 2.42.2.9 has been updated. A motion was made for approval, and a roll call vote
62 took place.

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Carter

Ayes: 5

Nays: 0

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64 c.) Recommendation for Adoption of a Healthy Workplace Policy and/or Guidelines. – Ortega

65 This item was removed from the agenda at the beginning of the meeting.

Result: Approved by Vote (0-0)

Motion:

Second:

Ayes:

Nays: 0

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67 d.) Request for Approval of Easement Agreements with Ronnie Eaton and Charlotte Eaton, Trustees

68 of the Eaton Family Living Trust and the ENMWUA for FW1 Pipeline Phase. -Ortega

69 Parcel No. 1 204 015 264 264 00 (EE)

70 Mr. Ortega stated that these easements are a temporary and permanent easement for the FW1 pipeline project. A

71 motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:

Bryant

Second:

Jackson

Ayes: 5

Nays: 0

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73 **8. Unfinished Business- N/A**

74 **9. Report from Board Members and Staff**

75 a) Project Development Activities -Jacobs- Jim Honea

76 FW3 A- Mr. Honea explained that as of 01/13/2021 there has been 31,788 liner feet of 20" PVC had been installed.

77 Mr. Honea stated that approximately 4000 feet of the FW3A project has been skipped at this time because it

78 involves installation of ductile fittings that the contractor is still waiting to arrive. Once all ductile and fiber optic

79 conduit arrive onsite the contractor will fall back and fill in the skipped sections. Mr. Honea notified the Board that

80 the trenchless crossing subcontractor started mobilizing on 1/12/2022. Mr. Sanders from Smithco Construction

81 went into details regarding the upcoming schedule. Mr. Sanders stated that Smithco Construction is averaging

82 about 1,000 feet a day. Mr. Sanders explained that the boring subcontractor is on-site and is about 80% complete
83 with the first of two pits required for this type of bore. Boring is planned to commence on February 7, 2022.

84 FW1- Mr. Honea notified the Board that easement acquisition has continued, currently nine properties have
85 recorded easements, fifteen properties have offer letters sent and the Authority is waiting on a response. Lastly,
86 one property from the New Mexico State Land Office has been signed by ENMWUA and is still pending the signature
87 from the State Lands Office Commissioner.

88 RW3- Jacobs is in the field work phase of the RW3 project. Field work is still underway with the survey field work
89 being completed. Jacobs is waiting for title reports to be completed. Geotechnical, and corrosion field work is still
90 in the process of being completed. Mr. Honea explained that the next phase of the RW3 project will be a preliminary
91 hydraulics analysis, and preliminary scour analysis.

92 FW3 B- Mr. Honea detailed that Jacobs is in the Right-of-Entry phase of the FW3B project. One property owner has
93 not allowed field work to commence. ENMWUA and Kameron Barnett continue to work with said property owner.
94 All other property surveying work has been completed and Jacobs is pending title reports. Mr. Honea explained that
95 the corrosion survey is being completed the week of January 28, 2022. Jacobs Engineering has started a preliminary
96 hydraulics analysis and a preliminary scour report on FW3B.

97 Overall Project Cost Estimate- Mr. Honea explained that Jacobs Engineering has started work on the overall
98 project cost estimate. Jacobs started by collecting information on prices of materials, recent bids, and information
99 that is on hand regarding other projects being completed within the State of New Mexico.

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101 c) Ute Reservoir USGS Report- Bowens Ute Reservoir storage in ac/ft as of December 27, 2021, stood at 145,500
102 ac/ft and as of January 27, 2022, Ute Reservoir storage was reported at 144,100 ac/ft. Ms. Bowens explained that
103 there was a 1,400 ac/ft dropped from December 27, 2021, to January 27, 2022. Ute Reservoir water surface
104 elevation in feet as of December 27, 2021, was 3,777.96 ft and as of January 27, 2022, was 3,777.72 ft. Ms. Bowens
105 explained that there was a 2.88 inch dropped from December 27, 2021, to January 27, 2022.

106 d) State Activities- Thompson Mr. Thompson stated that he has been at the NM Legislative session and has
107 remained in close contact with members of the Legislative Finance Committee, Representative Crowder, and
108 others. Mr. Thompson and the ENMWUA is prepared for the possibility of an appropriations line in House Bill 2 to
109 fund the ENMWUA project.

110 e) Federal Activities- Ryan Mr. Ryan reported that he and Authority have been working with several different
111 agencies to define what the non-federal match will look like regarding the Infrastructure Bill funding and different
112 State of NM funding programs. After many discussions it looks like the ENMWUA will need to get an opinion from
113 a USBR Attorney to clarify non-federal match. Currently the ENMWUA is waiting for the Federal Government to put
114 out the spend plan. Mr. Ryan stated that the ENMWUA with the help of the Albuquerque USBR office is advocating
115 for a funding amount above what was recommend by the regional office.

116 f) Report from the Chair- Morris Chairman Morris reported that he has been attending the weekly Infrastructure
117 Bill Small Working Group that is outlining a plan regarding the Infrastructure Bill funding. Chairman Morris
118 expressed that ENMWUA Administrator and Jacobs Engineering is working towards finalizing the Texico Lateral
119 options. Lastly the Chairman informed the Board that on January 25, 2022, Congresswoman Teresa Leger Fernandez
120 visited the ENMRWS project for a site visit. This visit contained a presentation from ENMWUA Administrator
121 Orlando Ortega and a FW3A site visit.

122 g) Report from the Administrator- Ortega Mr. Ortega stated that the Authority is working on identifying the
123 best program for the Authority's Member communities to meet their individual 10% match requirements. The
124 Authority is seeking a program with low or no interest rate and possibly with a deferment option. Mr. Ortega stated
125 that the ENMWUA has finalized the Water Trust Board WPF-5416 loan/grant agreement. The WPF-5416 agreement
126 in the total amount of \$7,708,272.00 is ready for FW1 expenditures. The ENMWUA will have to request a budget
127 adjustment regarding WPF-5416 due to it not being originally placed on the finalized budget for FY2022. The
128 Authority has submitted the Water Trust Board Readiness Application for WPF-5667 on January 11, 2022. These
129 funds have been earmarked for FW1 construction. Mr. Ortega expressed to the Board that along with his detailed
130 monthly report he includes the FW3A construction pay applications, so the Board is aware of expenditures and
131 drawdown of the USBR funds, WTB loan/grant funds, and ENMWUA funds.

132 **10. Future Agenda Items**

133 a) Next Regular Meeting, Date, Time, and Location: Thursday, February 24, 2022, at 3:00 p.m. at the
134 ENMWUA Office (Sitterly Professional Center), 801 Pile Street, Clovis, NM 88101.

135 **11. Public Input-**

136 Jack Muse a member of the public stated that he is excited and thrilled with everything that the
137 ENMWUA is getting done and accomplished.

138 **12. For the Good of the Order N/A**

139 **14. Executive Session †, ‡**

140 † Motion: to move into executive session to discuss acquisition of real estate 10-15-1 H(8), NMSA 1978 of the
141 New Mexico Open Meetings Act and attorney-client privilege pertaining to threatened or pending litigation in
142 which the public body is or may become a participant 10-15-1 H(7), NMSA 1978 of the New Mexico Open
143 Meetings Act.

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

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‡ Motion: to move back into open session, noting that nothing was discussed other than acquisition of real estate and attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant in accordance with Section 10-15-1 (H)(2), NMSA 1978 of the New Mexico Open Meetings Act and no final action on personnel was taken.

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

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153 **13. Adjournment**

154 Meeting adjourned officially at 4:35 PM.

155 X 

156 Michael A. Morris
157 Chairman

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X 

Chris Bryant
Secretary