

ENMWUA Regular Board Meeting

DATE: Tuesday, October 28, 2021

LOCATION: Portales Memorial Building, 200 E 7th St Portales, NM 88130

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 by at 3:00 PM

3 **2. Roll Call**

4 Roll was called, the following ENMWUA Board Members were in attendance in-person: Secretary Bryant, Vice-
5 Chairman Jackson, Member Carter, and Member Lucero. Chairman Morris, and Member Garza joined via Teams
6 phone conferencing system. ENMWUA Administrator Orlando Ortega, staff, Attorney Kameron Barnett, Jim
7 Honea with Jacobs Engineering and Robbie Sanders with Smithco Construction Inc. were also present. Members
8 of the public that attended included Mark Van Dyke, community member and Eastern News staff member Steve
9 Hansen.

10 **3. Approval of Agenda**

11 A motion to approve the agenda was made, and a roll call vote took place.

Result: Approved by Vote (6-0)
Motion:
Bryant
Second:
Carter
Ayes:6
Nays:0

12 **4. Approval of Minutes**

13 a.) There was a motion to approve the minutes from the regular Board Meeting held on Tuesday, September 21,
14 2021, at 3:00 p.m. at the ENMWUA Office, and a roll call vote took place.

Result: Approved by Vote (6-0)
Motion:
Lucero

Second:
Bryant
Ayes: 6
Nays: 0

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16 **5. Public Input**

17 Members of the public that were in attendance included Mark Van Dyke, private citizen and Steve Hansen from
18 Eastern News. No public input was given.

19 **6. Monthly Financials**

20 a) Approval of Monthly Financials for the Month ending September 30, 2021 -Ortega.

21 Mr. Ortega asked Ms. Marez to present the monthly financials. Ms. Marez stated the total revenues for the month
22 ending September 31, 2021, in the amount of \$4,613,894.72. Ms. Marez informed the Board that the increase in
23 revenues for the month of September included the City of Portales FY2022 Membership Contribution, along with
24 interest earned from the Citizens Bank, Money Market account, and interest earned from the renewal of the
25 Citizens Bank Certificate of Deposit. Total expenditures for the month ending September 30, 2021, were at
26 \$6,486,832.90. The reported balances of the ENNMWUA bank accounts at The Citizens Bank were as followed:
27 Business Checking account balance as of September 30, 2021, was \$379,583.36, and reported as of October 28,
28 2021, was a balance of \$181,048.07. The balance of the Money Market account as of September 30, 2021, was
29 \$4,126,474.15 and balance as of October 28, 2021, is \$4,126,474.15. The ENMWUA CD account balance as of
30 September 30, 2021, was \$2,526,414.40, and the same balance was reported as of October 28, 2021. The total
31 balance of all Authority accounts as of September 30, 2021, was reported at \$7,032,471.91. A motion was made for
32 approval of monthly financials, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:
Carter

Second:
Bryant

Ayes: 6

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 \$110,000.00
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:
Carter
Ayes: 5
Nays: 0
No Response:
Garza
(possibly due
to audio loss)

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7. New Business Items

a.) Request for Approval of Easement Agreements with Starbuck Corporation, A New Mexico Corporation, Jim Starbuck and the ENMWUA for FW1 Pipeline Phase. -Ortega Parcel 1 203 025 396 132. (Parcel E), Parcel 1 203 024 396 172 (Parcel H)

Mr. Ortega stated that these easements are a temporary and permanent easement on the FW1 pipeline project. The property owners have accepted the easements offer from the ENMWUA and have signed both agreements. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (6-0)
Motion:
Lucero
Second:
Bryant
Ayes: 6
Nays: 0

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b.) Request for Approval of Easement Agreements with Tumbleweed Estates, LLC, a New Mexico Limited Liability Company, Signatories William C. & Kathryn Ann Tate and the ENMWUA for FW1 Pipeline Phase. -Ortega Parcel 1 204 018 264 396 00. (Parcel U)

Mr. Ortega stated that these easements are a temporary and permanent easement on the FW1 pipeline project. The property owners have accepted the easements offer from the ENMWUA and have signed both agreements. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (6-0)
Motion:
Bryant
Second:
Carter
Ayes: 6
Nays: 0

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c.) Request for Approval of Easement Agreements with Sylvia Davis and Sonya Chavez and the ENMWUA for FW1 Pipeline Phase. -Ortega
Parcel 1 203 022 264 396 00. (Parcel L)

Mr. Ortega stated that these easements are a temporary and permanent easement on the FW1 pipeline project. The property owners have accepted the easements offer from the ENMWUA and have signed both agreements. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (6-0)
Motion:	
Garza	
Second:	
Bryant	
Ayes: 6	
Nays: 0	

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66 d.) Request for Approval of Expenditures for ENMWUA Intake Facility Maintenance Work to include
67 Painting of Platform and Replacement of Buoys. -Ortega Mr. Ortega asked the Board to consider approving
68 the cost of painting the Intake Facility Platform and replacing the buoys. Mr. Ortega stated to the Board that this
69 work was not budgeted in the FY2022 budget and will require a budget adjustment. Mr. Ortega asked Ms. Bowens
70 to go over the procurement process for these expenditures. Ms. Bowens stated that the selected vendor is Preferred
71 Painter/Builders SW Inc. This vendor was chosen during a 3 quotes process for services under \$60,000 but over
72 \$20,000. Ms. Bowens confirmed that this procurement meets all New Mexico state statutes and internal policies
73 for this type of procurement. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (6-0)
Motion:	
Bryant	
Second:	
Carter	
Ayes: 6	
Nays: 0	

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75 e.) Annual Review/Recommendation for Approval of ENMWUA Asset Management Plan. -Ortega, Bowens
76 Mr. Ortega stated that the Asset Management Plan is used for many applications that include keeping track of
77 condition of the Authority's assets, depreciation of value, record of asset maintenance, and replacement of
78 equipment and infrastructure. The ENMWUA's Asset Management Plan was developed back in 2014/2015 and
79 brought up to date in 2018-2019 when the Finance Plan was updated and adopted. The Asset Management Plan
80 was updated in 2020 to include the FW2 asset and maintenance plan and updated maintenance of the Intake
81 Facility. Mr. Ortega asked if Ms. Bowens would provide additional details on the changes to the Asset Management
82 Plan. Ms. Bowens explained that the only policy change to the Asset Management Plan was an update to the Asset

83 Management Team (AMT) to include Chairman Morris. Ms. Bowens stated the Asset Management Plan has been
84 reviewed and dates have been updated. A motion was made for approval, and a roll call vote took place.

Result:	Approved by Vote (6-0)
Motion:	
Lucero	
Second:	
Carter	
Ayes: 6	
Nays: 0	

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

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

88 **a) Project Development Activities -Jacobs- (Jim Honea)**

89 FW3 A- Mr. Honea stated that Smithco began pipe install on September 27, 2021, on the small arch site. The large
90 arch site at station 600+00 has also been completed for PVC pipe install to the north. Mr. Honea stated that Smithco
91 is importing the approved backfill materials from two sources to ensure that the supply will be ongoing. No road
92 crossings have been encountered at this time. Jacobs and Smithco Construction has continued with the submittal
93 and request for information process. Mr. Sanders from Smithco Construction Inc. stated that Smithco is confident
94 in the current timeline and Smithco should be adding a second crew after the Christmas holiday.

95 FW1- Mr. Honea notified the Board that Jacobs is continuing with the easement acquisition process. Currently there
96 are 5 properties with recorded easements, 4 properties with signed easement agreements, 8 properties with the
97 offer letters have been sent and the Authority and is waiting on a response. 7 properties that are in being reviewed
98 by a secondary appraiser (Commercial Appraisal), and lastly 1 property, the State Land Office property that is still
99 pending as to the direction if an appraisal will be required.

100 RW3- Mr. Honea explained that Jacobs is in the right of entry phase of the RW3 project. Field work plan (survey,
101 geotechnical, corrosion) has tentatively been planned to start in November depending on right of entries received.

102 FW3 B- Mr. Honea described that Jacobs is in the right of entry phase of the FW3 B project. Field work plan (survey,
103 geotechnical, corrosion) has tentatively been planned to start in November depending on completion of the right
104 of entry phase.

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106 **b) Ute Reservoir USGS Report- Bowens** Ute Reservoir storage in ac/ft as of September 28, 2021, was 152,100
107 ac/ft and as of October 28, 2021, was 149,500 ac/ft. Ms. Bowens explained that there was a 2,600 ac/ft drop from
108 September 28, 2021, to October 28, 2021. Ute Reservoir water surface elevation in feet as of September 28, 2021,
109 was 3,779.08 ft and as of October 28, 2021, was 3,778.64 ft. Ms. Bowens explained that there was a 0.44 ft or 5.28-
110 inch drop from September 28, 2021, to October 28, 2021.

111 **c) State Activities- Thompson** Mr. Thompson stated that a meeting with the NM State Lands office has been
112 set up for Tuesday, November 2nd, 2021. Mr. Thompson informed the Board that he is preparing other meetings
113 during the time the Board Members will be in Santa Fe to give updates.

114 d) Federal Activities- Ryan
115 Mr. Ryan reported to the Board that the President has come up with a framework for a 1.85 trillion-dollar climate
116 change bill. Mr. Ryan stated that the 1 trillion-dollar infrastructure bill will remain pending until the climate change
117 bill is agreed upon. Mr. Ryan will give additional updates as soon as available.

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119 e) Report from the Chair- Morris N/A

120 f) Report from the Administrator- Ortega

121 Mr. Ortega updated the Board on the Authority's activities for the month of October. Update to Water Trust Board,
122 WPF-5416, the Authority is pending a close-out with the New Mexico Finance Authority and their Attorney, Richard
123 Virtue. Each member community along with the ENMWUA Board will need to adopt a resolution regarding this
124 close-out that is scheduled in the coming month of December.

125 Pipeline Projects: Mr. Ortega stated that the Authority is in contact with property owners impacted by the various
126 projects as they progress. Mr. Ortega expressed that a Texico Lateral meeting to discuss a counter proposal with
127 Epcor is scheduled for Wednesday, November 3, 2021. A meeting has also been schedule and confirmed for
128 Tuesday, November 2, 2021, with the NM State Lands Office. Mr. Ortega ended his report by extending an invite to
129 members of the Finance Committee to attend an entrance exam for the FY 2020 Auditors, Willoughby and
130 Willoughby, CPA on November 16, 2021.

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132 **10. Future Agenda Items**

133 a) Next Regular Meeting, Date, Time, and Location: Thursday, November 18, 2021, at 3:00 p.m. at the
134 Texico Senior Center, Texico, NM.

135 **11. Public Input-N/A**

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

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138 **13. Adjournment**

139 Meeting adjourned officially at 4:11 PM.

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X



141 Michael A. Morris
142 Chairman

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Chris Bryant
Secretary