

# ENMWUA Regular Board Meeting

DATE: Thursday, December 16, 2021

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 3:01 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, Member Lucero and Member Garza. ENMWUA  
6 Administrator Orlando Ortega and staff, Robby Sanders with Smithco Construction, and Jim Honea with Jacobs  
7 Engineering were also present. Members of the public that attended in person included Mayor Dixon, and Kevin  
8 Wilson with the Eastern New Mexico News.

9 **3. Approval of Agenda**

10 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**

11 **4. Approval of Minutes**

12 a.) There was a motion to approve the minutes from the regular Board Meeting held on Thursday, November 18,  
13 2021, at 3:00 p.m. at the City of Texico Senior Center, and a roll call vote took place.

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

**Ayes: 6**

**Nays: 0**

14 **5. Public Input**

15 Members of the public that were in attendance included Town of Elida’s Mayor Durward Dixon and Kevin Wilson  
16 with the Eastern New Mexico News. No public input was given.

17 **6. Monthly Financials**

18 a) Approval of Monthly Financials for the Month ending November 30, 2021 -Marez Ms. Marez stated the  
19 total revenues for the month ending November 30, 2021, in the amount of \$840,179.26. Ms. Marez informed the  
20 Board that the increase in revenues for the month of November includes Federal Funds in the amount of  
21 \$838,894.28 for payment towards Pay App 4 and monthly interest earned in the amount of \$1,284.98. Total  
22 expenditures for the month ending November 30, 2021, were at \$1,152,240.73. The reported balances of the  
23 ENNMWUA bank accounts at The Citizens Bank of Clovis were as followed: Business Checking account balance as  
24 of November 30, 2021, was \$308,186.67 and reported as of December 16, 2021, the current balance of the Business  
25 Checking account is \$858,440.01. The balance of the Money Market account as of November 30, 2021, was  
26 \$3,692,460.12 and balance as of December 16, 2021, is \$3,692,460.12. The ENMWUA CD account balance as of  
27 November 30, 2021, was \$2,526,414.40 and the same balance was reported as of December 16, 2021. The total  
28 balance of all Authority accounts as of November 30, 2021, was reported at \$6,527,061.19. A motion was made for  
29 approval of monthly financials, and a roll call vote took place.

**Result: Approved by Vote (6-0)**

**Motion:  
Jackson**

**Second:  
Bryant**

**Ayes: 6**

**Nays: 0**

30 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking  
31 Account #7101- Ortega. Mr. Ortega presented the monthly bank transfer request in the amount of \$285,000.00.  
32 These funds would come from the ENMWUA Money Market account and be transferred into the Business Checking  
33 account. A motion was made for approval, and a roll call vote took place.

**Result: Approved by Vote (6-0)**

**Motion:  
Garza**

**Second:  
Jackson**

**Ayes: 6**

Nays: 0

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36 **7. New Business Items**

37 a.) Request for Approval of Resolution 2021-08 Approving the Execution and Delivery of a Water Project  
38 Fund Loan/Grant Agreement (WPF-5416) by and between the New Mexico Finance Authority and the  
39 ENMWUA. -Ortega, Barnett. Mr. Ortega stated that this item is a Resolution to approve the closing of the WPF-  
40 5416 in the amount of \$7,708,272. Mr. Ortega explain that 10% of the total agreement is the loan to the ENMWUA  
41 in the amount of \$770,827 and 90% is a grant in the amount of \$6,937,445. The Authority submitted the Water  
42 Trust Board application on October 1, 2020, and award was announced on June 1, 2021. WPF-5416 funding is  
43 earmarked and budgeted for ENMWUA Project Finished Water 1. Mr. Ortega stated that as part of the execution  
44 of the loan/grant agreement each of the Authority’s membership communities have adopted a resolution  
45 supporting their allocation of loan. The member communities have also signed the signature page of this loan/grant  
46 agreement. 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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49 b.) Recommendation for Approval of Amendment #7 of the 2020 Engineering Services Contract with  
50 Ch2M/Jacobs Engineering for Updating the ENMRWS Project Costs at a Class 3 Level. – Ortega  
51 Mr. Ortega stated that during the Authority’s Infrastructure Bill Small Working Group meeting they have discussed  
52 the importance and necessity to have a high-level updated cost estimate of completing the full ENMRWS. Mr.  
53 Ortega stated that he has asked the Jacobs Engineering team to provide the ENMWUA with an estimated cost for  
54 preparing a high-level cost update on all of the remaining portions of the overall project. Mr. Honea explained the  
55 last time an overall cost estimate was completed back in 2009. The current overall cost estimate the Authority uses  
56 today is based on the 2009 estimate with a yearly ENRCCI inflation markup. Mr. Honea stated that not only with  
57 the current market and the amount of time since the last cost estimated was completed the ENMWUA might not  
58 have the accurate representation of current overall cost of the ENMRWS project. Mr. Honea described that a class-  
59 3 cost estimate will include the 30% design for the overall project, as well as new equipment prices, pipe material  
60 quotes, and projected installation cost. Mr. Ortega presented the cost of Amendment #7 at a total of \$58,473.10.  
61 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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64 c.) Recommendation for Approval of Amendment #8 of the 2020 Engineering Services Contract with  
65 Ch2M/Jacobs Engineering for Preparing of FW1 Bid Documents and Bid Package, Bidding Support,  
66 Services during Construction, Close Out, and Warranty Period in the amount of \$2,540,016.35 exclusive  
67 of NMGRT. Contingent upon Approval by NMED-CPB. – Ortega

68 Mr. Ortega stated that this Amendment scope of work involves preparing the Finished Water 1 bid package,  
69 providing bidding support, engineering services during construction, permitting and environmental support during  
70 construction, migratory bird surveys, and the close out services and warranty period. Mr. Honea explained that  
71 Amendment #8 states that the current plan is to package the Finished Water 1 project as one project and scale back  
72 if need depending on available funding, once the ENMWUA is prepared to go out for bid. Mr. Honea clarified to the  
73 Board the details of what Jacobs Engineering will provide during bidding. This includes bidding support, services  
74 during construction, project close out, and warranty period. A motion was made for approval, and a roll call vote  
75 took place.

**Result:** Approved by Vote (6-0)

**Motion:**

**Bryant**

**Second:**

**Carter**

**Ayes: 6**

**Nays: 0**

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78 d.) Request for Approval of Indenture by and between the State of New Mexico, Acting by and  
79 through its Commissioner of Public Lands and the Eastern New Mexico Rural Water Utility  
80 Authority for a Pipeline Right-of-Way Easement No. R-39524. – Ortega

81 Mr. Ortega stated this indenture with the state of New Mexico is for an easement on New Mexico state land for the  
82 FW1 pipeline project. A motion was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (6-0)

**Motion:**

**Garza**

**Second:**

**Jackson**

**Ayes: 6**

**Nays: 0**

83

84 e.) Request for Approval of a Professional Services Agreement between ENMWUA and Westt, LLC. in  
85 providing Consultation, Information, and Assistance regarding Public Procurement and Related Matters  
86 on an as Needed Basis. – Ortega, Bowens. Mr. Ortega stated as the Authority plans and prepares for the possible  
87 influx of funding the ENMWUA would like to prepare different methods of procurement. Mr. Ortega stated that

88 this contract is on an hourly basis and would be used on an as needed basis. Ms. Bowens confirmed that this  
89 procurement meets all state statutes and internal policies for this type of procurement. A motion was made for  
90 approval, and a roll call vote took place.

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

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

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

93 a) FW2 and Intake Facility Operations & Maintenance Quarterly Report - Tharp

94 FW2- Mr. Tharp stated that in November he replaced a broken valve near Cannon’s building 300. Mr. Tharp  
95 explained that the cause of the broken valve was most likely due to a recent freeze. Mr. Tharp stated that the issue  
96 shouldn’t be a recurring issue now because the valve has since been replaced and set in an open position.

97 Intake Facility- Mr. Tharp apprised the Board on an issue that need to be address at the intake facility. Currently  
98 the wrench gate is stuck in place and is unable to be exercised at this time. It was discussed that the Authority along  
99 with I.T.S. Refrigeration will create a plan to repair this item at the intake facility.

100

101 b) Project Development Activities -Jacobs- Jim Honea

102 FW3A- Mr. Honea explained the PVC pipe instillation on the large and small archeological sites has been completed.  
103 The installation of the fiber optic and ductile iron pipe and vaults remain. So far 25,608 liner feet of PVC pipe has  
104 been installed since October 4, 2021. Mr. Honea stated that currently there is continued work of importing the  
105 approved backfill materials that is coming from two sources. Mr. Honea notified the Board that the trenchless  
106 crossing subcontractor will begin mobilizing in January 2022.

107 FW1- Mr. Honea notified the Board that Jacobs is continuing with the easement acquisition process. Currently there  
108 are nine properties in which the Authority has recorded easements, fifteen properties have had offer letters sent  
109 and the Authority is waiting on a response from these property owners, and lastly 1 property from the State Land  
110 Office, which was the easement that was presented and approved by the Board earlier in the meeting is actively  
111 being secured.

112 RW3- Mr. Honea explained that Jacobs is in the field work phase of the Raw Water 3 project. Field work plans  
113 (survey, geotechnical, and corrosion) have begun with the completion of the aerial survey. The next steps will be  
114 survey work, geotechnical work, and corrosion field study.

115 FW3B- Mr. Honea described that Jacobs is in the right-of-entry phase of the FW3B project. The field work plans  
116 including(survey, geotechnical, and corrosion) have tentatively been planned to start in January depending on  
117 completion of the right-of-entry phase.

118

119 c) Ute Reservoir USGS Report- Bowens The Ute Reservoir storage in ac/ft as of November 16, 2021, was 148,000  
120 ac/ft and as of December 16, 2021, was 146,000 ac/ft. Ms. Bowens reported there was a 2,000 ac/ft dropped from

121 November 16, 2021, to December 16, 2021. Ute Reservoir water surface elevation in feet as of November 16, 2021,  
122 was 3,778.38 ft and as of December 16, 2021, was 3,778.04 ft. Ms. Bowens explained that there was a 4-inch  
123 dropped from November 16, 2021, to December 16, 2021.

124 d) State Activities- Thompson – Mr. Thompson stated that he has been preparing for a meeting with members of  
125 the Legislative Finance Committee, and ENMWUA to take place at the end of December. In preparation, Mr.  
126 Thompson has met with David Abbey and Steve Olsen who are staff members of the Legislative Finance Committee.

127 e) Federal Activities- Ryan Mr. Ryan reported that several meetings have been planned with different Federal  
128 agencies and stakeholders for the month of December, as well as future meetings in January 2022. The federal  
129 meetings will allow the Authority an opportunity to share that the ENMWUA is ready for any additional funding and  
130 the projected spend down plan of any additional funds. The stakeholder’s meeting will be a meeting between the  
131 ENMWUA and other authorized Rural Water Projects across the nation. The stakeholder meeting will give the  
132 ENMWUA the opportunity to meet with the other authorized rural water projects and understand their  
133 expectations of the Infrastructure Bill.

134 f) Report from the Chair- Morris Chairman Morris reported that he has been attending the weekly small working  
135 group that is outlining a plan regarding the Infrastructure Bill. Chairman Morris expressed the importance of  
136 updating the overall project’s cost estimates to have the most current amounts to support a big ask of our funding  
137 agencies.

138 g) Report from the Administrator- Ortega Mr. Ortega stated that the request from the Bureau of Reclamation  
139 at this point is to come up with a break-down of matching fund for the Federal fiscal year 2022 which began in  
140 October. Mr. Ortega stated that the Authority’s initial focus has been on preparing the FY2022 non-federal match  
141 number that was requested, and along with that included a five-year plan. Now the focus has shifted to providing  
142 the overall match funds the ENMWUA can prove so that the Authority can receive as much funding up front as  
143 possible. Mr. Ortega expressed that the ENMWUA has made much progress with the leadership of Chairman Morris  
144 and the working team. The Authority continues to refine its strong message to present to all the interested parties  
145 as we move forward with this process.

146 **10. Future Agenda Items**

147 a) Next Regular Meeting, Date, Time, and Location: Thursday, January 27, 2022, at 3:00 p.m. at the  
148 ENMWUA Meeting Room, Sitterly Professional Center, Clovis, NM 88130.

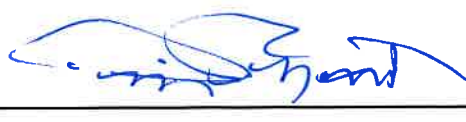
149 **11. Public Input-N/A**

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

151 **13. Adjournment** Meeting adjourned officially at 4:32 PM.

152 X 

153 Michael A. Morris  
154 Chairman

X 

Chris Bryant  
Secretary