

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, February 25th, 2021
LOCATION: ENMWUA Office (Sitterly Professional Center)
801 Pile Street, Clovis, NM 88101

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 Chairman Lansford at 3:10 PM.

3 **2. Roll Call**

4 Roll was called, and the following ENMWUA Board Members were in attendance in person: Chairman Lansford,
5 Vice-Chair Jackson, Secretary Bryant, Member Garza, Member Lucero, and Member Dixon. Also present via
6 video was ENMWUA staff members Administrator Orlando Ortega and CPO Jacquelynn Bowens.

7 **3. Approval of Agenda**

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

Result: Approved by Vote (6-0)

Motion:

Garza

Second:

Lucero

Ayes:

Nays:

9 **4. Approval of Minutes**

10 a.) A motion to approve the minutes from the regular Board Meeting held on Thursday, January 28th, 2021 at 3:00
11 pm at the ENMWUA Office. A roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Garza

Second:

Bryant

Ayes:

Nays:

12 **5. Public Input**

13 Chairman Lansford addressed anyone on the phone participating to state their name for the record, the following
14 participants were identified; Jim Honea with Jacobs Engineering, Kevin Wilson with the Eastern New Mexico News,
15 Max Carter, a Texico Council Member, Mike Morris, Mayor for the City of Clovis. No other public comment were
16 made.

17 **6. Monthly Financials**

18 a) Approval of Monthly Financials for the Month ending January 31st, 2021-Ortega.

19 Mr. Ortega reviewed the past month's financials beginning with the statement of revenues, expenditures, and
20 changes in fund balance for the month ending January 31st, 2021. The Revenues for the month were at \$14,770.97.
21 \$12,936.85 was a reimbursement of SAP grant funds from the Governor's Award. Revenue interest for the
22 Authority's accounts from New Mexico Bank and Trust was a total of \$3.57 and from the Citizens Bank of Clovis
23 \$1,830.55. Expenditures for the month of January were at \$242,270.34. A detailed report was provided to the Board
24 via the packets for an in-depth review. Mr. Ortega reviewed the balances of all ENMWUA bank accounts. Beginning
25 with the Citizens Bank of Clovis Checking account balance. As of January 31st the balance was at \$396,717.40, and
26 the balance as of February 25th, 2021 was \$208,389.77. The balance of the Citizens Bank Money Market account as
27 of January 31st, 2020 was at \$4,020,185.29 and has remained the same as of today, February 25th. Mr. Ortega also
28 addressed the Board with a bank transfer request in the amount of \$200,000.00. This transfer request will move
29 funds from the ENMWUA Money Market account into the Business Checking account to pay monthly bills. A motion
30 was made to approve the monthly financials and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Jackson

Second:

Bryant

Ayes:

Nays:

31 **7. New Business Items**

32 a.) Present the FW2 Final Construction Budget Report.- Ortega.

33 Mr. Ortega presented the FW2 Final Construction Budget to the Board and informed the Board that the Certificate
34 of Final Completion has been signed and the project has been completed. This FW2 project has been backed by
35 documentation of all items including submittals, RFI's, construction status reports, change orders, invoices, and
36 receipts of payments as well as notes from attending construction meetings. The constructed 7 ½ miles of pipeline

37 has been observed and inspected throughout the project for quality control and quality assurance. The Board
38 approved budget for this FW2 construction project was \$28,644,590.70. Mr. Ortega briefly went over the secured
39 and allocated funds to the FW2 project from the Bureau of Reclamation, the State of New Mexico and the
40 ENMWUA Membership funds. With the securing of late USBR funds the ENMWUA was able to reduce the
41 Membership contributions from \$4,643,415.00 to \$2,774,094.70 in June of 2019. The savings of \$1,869,320.30 and
42 move those funds towards the FW3 project. The following Water Trust Board funds that were expended on the
43 construction of the FW2 project include WTB-314, WTB-331, WTB-3553, & WTB-4326 for a total amount of
44 \$7,847,496.00. All WTB funds did require a non-state match and all requirements have been met. The FW2 grant
45 agreement between the Authority and the Bureau of Reclamation was for a total \$18,023,000.00 and all required
46 non-federal funding match have been met. The total ENMWUA Membership funds expended on the FW2 project
47 was a total of \$1,404,227.17. The overall total expenditures including the final pay app to the contractor along
48 with Jacobs Engineering oversight of the final close out of FW2 and for the warranty period of FW2 is a total of
49 \$27,274,723.17. This final amount places the Authority's project under budget by \$1,369,867.53.

50 b.) Request for Approval of Offer and Easement Agreements with Frank C. Chevalier and Renee M.
51 Chevalier and the ENMWUA for FW3 Pipeline Phase. Parcel 1 205 004 023 023 00. (Parcel V).- Ortega

52 Mr. Ortega presented to the Board the offer and easement agreements for Frank and Renee Chevalier. Their
53 property located in Curry County along the FW3A route. The property owners have accepted the easement
54 purchase offer and have signed the agreements. The recommendation to the Board was for approval. A motion for
55 approval was made and a roll call vote took place.

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

56

57 c) Request for Approval of ENMWUA FW3A Pipeline Plans, Specifications, and Construction Bid Package.-
58 Ortega, Jacobs.

59 The Authority along with Jacobs Engineering has completed all the FW3A record drawings, plans, specifications, and
60 construction bid package that has been reviewed by the Bureau of Reclamation and the New Mexico Environment
61 Department Construction Programs Bureau. The Authority has received all permitting and approvals before going
62 out to bid and has presented these items to the Finance Committee. Jim Honea with Jacobs Engineering reviewed
63 the route with the Board. The base bid starts at the southern end of the project in Roosevelt County and will begin
64 about a mile and a half from the potential split going to either the Portales Johnson Hill tanks or the Portales Lime
65 Street Tanks depending on the results of the coordination between the Authority, City of Portales and NMED-CPB.
66 Continuing north along the east side of NM 467. Traveling north until we reach Curry Road 6, we will use a trenchless
67 crossing over NM 467. Then begin to head along the north side of Curry 6, turning again at Curry Road R and to
68 continuing to head north. Once we get to Curry Road 7 that is where the additive alternates will begin in about half

69 mile increments. The route carries on north towards US 60/84 and BNSF Railway and will be parallel along the
70 outside of the CAFB security fence line. When we reach alternate 6, there will be a trenchless crossing and tunneling
71 under the highway and BNSF Railroad all at one time. This will get the pipeline to connect to the small portion of
72 FW3 on the southwest corner of the CAFB housing to the Authority's Main Junction Vault. That completes the FW3A
73 pipeline bid package. A motion was made for approval and a roll call vote took place.

Result:	Approved by Vote (6-0)
Motion:	
Jackson	
Second:	
Dixon	
Ayes:	
Nays:	

74

75 d.) Request for Approval to Advertise Invitation for Bids for FW3A Pipeline Construction and Permission
76 to Negotiate Contract.- Ortega, Bowens.

77 Ms. Bowens presented the timeline of the bidding process to move forward on the FW3A project. Beginning with
78 receiving approval from New Mexico Environment Department Drinking Water Bureau, the New Mexico
79 Environment Department Construction Programs Bureau, and the Water Trust Board on February 15th. The
80 Authority also sent these bid documents to the Bureau of Reclamation and they had no comment for us but were
81 glad to be included by being provided our documentation. The next step on the timeline is being presented to the
82 Board now with this item, which is to receive approval today to advertise for bids on the FW3A project. If approved
83 by the Board, on March 4th, the Authority will electronically advertise and publish the invitation to bid on FW3A
84 publicly using a governmental data base called BidNet Direct. On March 7th, the Authority will publish our notice in
85 three New Mexico newspapers in accordance with ENMWUA policy and procedures. The Administration has
86 selected Eastern New Mexico News, Las Cruces Sun News and the Albuquerque Journal. This action will also fulfill
87 the state statute requirements for bidding that requires a bid be publicly published at least ten days prior to the
88 bids being due. A bid intent form will be due to the ENMWUA on March 18, 2021. Once all bid intent forms are
89 received, an email notification list will be generated. On March 23rd, the Authority will hold a mandatory pre-bid
90 conference and on the 24th, a voluntary site visit will be conducted for those bidding on the project to see the site.
91 The Authority will conduct the site visit following all Covid safe health practices. On April 8th, all bid questions will
92 be due via written submission to the Authority. The ENMWUA will then create an addendum that will be available
93 to the public. On April 28th, all bids will be due electronically. The next step, at a date to be determined by the
94 Authority the FW3A bid will be awarded. The Authority's Administration will then present the selected bid to the
95 Board for approval and at that time will be publicly announced. Mr. Ortega stated that at this time it is
96 recommended to the Board to seek approval to advertise invitations to bid as well as receive Board permission to
97 negotiate the contract. A motion for approval was made and a roll call vote took place.

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

Garza
Ayes:
Nays:

98

99 e.) Request for Approval to Close ENMWUA's New Mexico Bank and Trust Enterprise Interest Checking
100 Account and Business Money Market Account. - Ortega

101 Mr. Ortega stated that the Authority has now completed the transition of opening the new accounts at Citizens
102 Bank of Clovis and now as planned would like to close the remaining open accounts at New Mexico Bank & Trust.
103 The Authority has prepared a letter requesting to close the NMB&T accounts and requested that a cashier's check
104 be issued to the ENMWUA for the remaining funds so that those funds can then be deposited into the account at
105 Citizens Bank of Clovis. With approval the letter will be signed by the authorized signers on the Authority's accounts.
106 A motion to approve was made and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Garza

Second:

Lucero

Ayes:

Nays:

107

108 **8. Unfinished Business**

109 a) Discussion/Action regarding next steps with legal counsel Peter Nichols and the Curry County
110 Commission.

111 It was requested that a portion of a video clip be played for the Board from the Curry County Commission Meeting
112 showing the action that the county had taken on two items. The first item that was discussed was the
113 intergovernmental agreement sent from Curry County to the ENMWUA on 12-15-2020. The ENMWUA sent a
114 response to Curry County on 12-18-2020 stating that the agreement was not accepted by the Authority at that time.
115 The Curry County Commission voted and approved to rescind the intergovernmental agreement. The second item
116 discussed was requested action on entering into an engagement agreement with Berg, Hill, Greenleaf, & Ruscitti,
117 LLP and attorney Peter Nichols on the creation of a land trust to conserve the Ogallala Aquifer groundwater. The
118 motion was voted on and approved by the Commission. The Board had brief comments and no action was taken on
119 this item.

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

121 a) Project Development Activities -Jacobs-(Jim Honea) Mr. Honea updated the Board to the ongoing activity
122 over the past month.

123 FW2- Final completion has now been reached and the warranty period is through September of 2021. Jacobs
124 will then conduct a warranty walkthrough with the Authority at that time.

125 FW1- Jacobs is currently working on the construction documents, drawings and specifications for the 90%
126 design of this project ready to send over to the Authority within the next week. Cost estimates will begin and a
127 hydraulics and surge memo will be brought up to date for an necessary changes in the 90% design. We are also
128 working on legal descriptions currently with our surveyors and are targeting mid-March to have all legal
129 descriptions for the easements completed. This is the first step on our easement acquisition process. The next
130 item after that will be to begin on working on appraisals for these easements.

131 Texico Lateral- Jacobs is looking at mid to late March to complete a draft alignment study memo to summarize
132 the overall process.

133
134 b) ISC Report- Ortega The Authority is still working on obtaining a monthly report on the Ute Reservoir water
135 levels from the Interstate Stream Commission and there has been a little delay due to the legislative session. In the
136 meantime, the Authority has collected data from the USGS, United States Geological Survey that monitors the
137 Reservoir in 15 minutes increments. A snapshot was given to the Board beginning on February 1st the Reservoir
138 levels were at 138,400 acre/feet and as on February 25th 154,200 acre/feet.

139 c) State Activities- Thompson Mr. Thompson was absent

140 d) Federal Activities- Ryan Mr. Ryan was absent

141 e) Report from the Chair- Lansford N/A

142 f) Report from the Administrator- Ortega Mr. Ortega just had a few items to mention to the Board. The Authority
143 is wrapping up the last remaining items for easement acquisition on FW3A and hoping to have the Site Certificate
144 signed and submitted to all parties for approval and that would allow the Authority to continue to move forward
145 on the project> Mr. Ortega mentioned the announcement from the Congressional Delegation and the Bureau of
146 Reclamation on the notice of award to the ENMWUA for the FY2021 appropriation funds in the amount of
147 \$14,800,000.00 to go towards our project. The amount will fulfill the FW3A grant agreement with a small portion
148 that will carry over to the FW1 project. All grant reporting by the Authority has also been completed and satisfies
149 our requirements for funding sources.

150 **10. Future Agenda Items**

151 a) Next Regular Meeting, Location, Date, and Time: March 25th, 2021 at 3:00 p.m. at the Portales Memorial Building
152 located at 200 E. 7th Street in Portales, NM 88130.

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

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

155 **13. Executive Session †‡**

156 *†Motion: to move into executive session to discuss limited personnel matters in accordance with 10-
157 15-1 H (2), NMSA 1978 of the New Mexico Open Meetings Act.

Result: Approved by Vote (6-0)

Motion: Bryant

Second:
Jackson
Ayes:
Nays:

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159

160 *‡ Motion: to move back into open session, noting that nothing was discussed other than limited
161 personnel matters in accordance with Section 10-15-1 (H)(2), NMSA 1978 of the New Mexico Open
162 Meetings Act and no final action on personnel was taken.

Result: Approved by Vote (6-0)

Motion:
Bryant
Second:
Jackson
Ayes:
Nays:

163

164 **14. Adjournment**

165 Meeting adjourned officially at 5:15 PM.

166

X 

167 David Lansford
168 Chairman

X 

Chris Bryant
Secretary