

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, March 25th, 2021
LOCATION: Portales Memorial Building
200 E. 7th Street, 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 3:03 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. ENMWUA Attorney,
6 Kameron Barnett was also present along with ENMWUA staff members Administrator Orlando Ortega, Office
7 Manager Haleigh Marez, and CPO Jacquelynn Bowens.

8 **3. Approval of Agenda**

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

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

10 **4. Approval of Minutes**

11 a.) A motion was made to approve the minutes from the regular Board Meeting held on Thursday, February 25th,
12 2021 at 3:00 pm at the ENMWUA Office. A roll call vote took place.

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

Second:
Garza
Ayes:
Nays:

13 **5. Public Input**

14 The following participants of the public were identified as present in the meeting; Kevin Wilson with the Eastern
15 New Mexico News, Erik Robinson with Integrity Accounting, Joe Thompson with Thompson Consulting, Jim Honea
16 with Jacobs Engineering, Max Carter, Texico Council Member, and Mike Morris, Mayor for the City of Clovis. No
17 other public comments were made.

18 **6. Executive Session†,††, ‡, ‡‡**

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

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

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

24

25 *†† Motion: to move back into open session, noting that nothing was discussed other than acquisition of real estate
26 and attorney-client privilege pertaining to threatened litigation in which the public body is or may become a
27 participant.

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

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

Ayes:

Nays:

31

32 **7. Monthly Financials**

33 a.) Approval of Monthly Financials for the Month ending February 28th, 2021-Ortega. Mr. Ortega reviewed with the
34 Board the statement of revenues, expenditures, and changes in fund balance for the month ending February 28th,
35 2021. The revenues for the month were at \$10,359.39. This amount includes interest from the ENMWUA Money
36 Market Account and the Certificate of Deposit, noting that both accounts are held at the Citizens Bank of Clovis. Mr.
37 Ortega mentioned that the CD account is due to mature on March 28th, 2021. The current term is for 6 months with
38 an interest of 0.70%. The Citizen's Bank expressed that the current rate would be honored if the Authority chooses
39 to renew the CD. Mr. Ortega made a recommendation to the Board to continue the certificate of deposit at the
40 same rate and terms. Expenditures for the month of February 2021 were at \$191,584.26. The bank account balances
41 as of February 28th, 2021 were as followed: the business checking account balance was at \$408,389.77, with the
42 balance of the money market account at \$4,250,928.77, and the certificate of deposit balance at \$2,508,821.92.
43 The total balance of all ENMWUA bank accounts was \$7,168,140.46. As of today March 25th, 2021, the balance of
44 the business checking account is \$121,028.51, and the money market account balance is \$4,250,928.77. A transfer
45 request was presented to the Board for \$200,000.00. This transfer request will move funds from the money market
46 account into the business checking account to pay the ENMWUA monthly expenses. A motion was made for the
47 approval of the monthly financials and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Jackson

Second:

Garza

Ayes:

Nays:

48 **8. New Business Items**

49 a.) Presentation and Approval of FY2020 Annual Audit from Integrity Accounting and Consulting.- Ortega, Integrity
50 Accounting & Consulting. Mr. Ortega briefed the Board that the ENMWUA fiscal year 2020 Audit has been
51 completed. He stated that this audit has been reviewed and approved by the New Mexico State Auditor. An exit
52 conference with Integrity Accounting was held on Thursday, December 10th, 2020. Those in attendance were Vice-
53 Chair Jackson, Secretary Bryant, Administrator Ortega, administrative assistant Haleigh Marez, CPO Jacquelynn
54 Bowens, Farley Vener and Nicole Stacks, our accountants with Hinkle and Landers. Mr. Ortega introduced Mr.
55 Erick Robinson to present the final audit report for the Board.

56 Mr. Robinson with Integrity Accounting and Consulting reviewed the final audit report with Board. Noting that the
57 Authority has complied with providing all requested documentation, Mr. Robinson then discussed with the Board

58 the two audit findings. The first finding dealt with the compliance of the New Mexico state mileage and per diem
59 act. The finding was a result of a one-time occurrence resulting from an overlap of two fiscal years. Mr. Robinson
60 stated that since that time the Authority has had a more complete understanding of the state statute for mileage
61 and per diem policies. The other finding was regarding one of the ENMWUA's bank accounts. This account was
62 set up to hold funds for an easement property owner who refused to accept payment for their easement. Upon
63 the advice of a former ENMWUA Attorney, the account was established to hold these funds for the property
64 owner until this issue was resolved. It was discovered that the balance of this specific account was not being
65 recorded on the general ledger for the Authority. It was noted that the Board and Authority staff was aware of
66 this account, it was not properly documented and reconciled by the accountants, which is the cause for the finding.
67 Since this finding, discussion with the Finance Committee and ENMWUA Attorney Barnett, it was determined that
68 this account should be closed out and resolved due to the lapse of time. Mr. Robinson again stated that all
69 information requested was provided by the Authority with no issues and the audit was completed without
70 incident. A motion was made for approval and a roll call vote took place.

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

71

72 b.) Request for Approval of Easement Agreement with Kaskaskia River Farm Florida, LLC, a Florida Limited Liability
73 Company, as Fee Simple Owner and Arthur Fred Schaap and Sandra Renee Schaap as Contract Purchaser's Interest
74 and the ENMWUA for FW3 Pipeline Phase. -Ortega, Barnett. Parcel 1 203 009 396 396 00. (Parcel G) Mr. Ortega
75 indicated that this easement is currently owned by Kaskaskia River Farm Florida, LLC. There is a real estate contract
76 in place with Arthur and Sandra Schaap who are purchasing the property. This property is located along the FW3A
77 route. Mr. Barnett informed the Board that all parties were listed on the easement agreements to acknowledge the
78 current real estate contract. He also stated that all parties involved have agreed and have signed the easement
79 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:	
Nays:	

80

81 c) Request for Approval of Easement Agreement with Kaskaskia River Farm Florida, LLC, a Florida Limited Liability
82 Company, as Fee Simple Owner and Arthur Fred Schaap and Sandra Renee Schaap as Contract Purchaser's Interest
83 and the ENMWUA for FW3 Pipeline Phase. -Ortega, Barnett. Parcel 1 203 009 396 132 00. (Parcel H) Mr. Ortega
84 informed the Board that this item like the previous action item is an easement agreement involves both parties
85 because of the current real estate contract in place, all parties are listed on the agreements. All parties have agreed
86 and signed the easement agreements. 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:

87

88 d) Request for Approval of Easement Agreement with Kaskaskia River Farm Florida, LLC, a Florida Limited Liability
89 Company, as Fee Simple Owner and Arthur Fred Schaap and Sandra Renee Schaap as Contract Purchaser's Interest
90 and the ENMWUA for FW3 Pipeline Phase. -Ortega, Barnett. Parcel 1 204 008 132 132 00. (Parcel L) Mr. Ortega
91 indicated this action item is the same as the previous two. This easement agreement has been signed by all parties.
92 A motion was made for approval and a roll call vote took place.

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

93

94 e) Request for Approval of Easement Agreement with Andy Schaap and Maria Schaap, as Fee Simple Owners and
95 Arthur Fred Schaap and Sandra Renee Schaap as Contract Purchaser's Interest and the ENMWUA for FW3 Pipeline
96 Phase. -Ortega, Barnett. Parcel 1 205 006 264 132 00. (Parcel P) Mr. Ortega stated that this agreement is with Andy
97 and Maria Schaap as owners and Arthur and Sandra Schaap, as contract purchaser's interest. Mr. Barnett explained
98 to the Board that in this agreement like the previous action item, the names of all parties involved on the easement
99 agreements are listed to acknowledge the current real estate contract. All parties have agreed and signed the
100 easement agreements. A motion was made for approval and a roll call vote took place.

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

Jackson
Ayes:
Nays:

101

102 f) Consideration/Action for Approval Regarding the Renewal of the Administrator of Project Advancement, Planning,
103 and Communication Employment Agreement. -Ortega, Barnett Mr. Barnett presented to the Board the renewal of
104 the Administrator's contract. The current contract was due to expire on March 31st, 2021. The contract presented
105 today is renewal of the current contract with an extension of an additional three years with Mr. Ortega to continue
106 serving as the Administrator for the Authority. The only substantive change was an increase in compensation from
107 \$92,450 per year to \$99,141.08. A motion was made for approval and roll call vote took place.

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

108

109 **9. Unfinished Business- N/A**

110 **10. Report from Board Members and Staff**

111 a) FW2 and Intake Facility O&M Quarterly Report- Jeff Tharp Mr. Tharp addressed the Board and only item
112 to report for FW2, was a lock located on one of the vaults appeared to be tampered with. Everything else along the
113 Finished Water 2 route is still in brand new condition and no other issues to report. For the Intake Facility, Mr. Tharp
114 let the Board know that he met with Mr. Ortega and Mr. Honea at the Intake Facility. There was also a video
115 conference that took place with a few of the engineers involved in the design of the Intake Facility. They discussed
116 in more detail the structure of the facility and how the operations and maintenance should be continued to keep
117 everything in good working order.

118

119 b) Project Development Activities -Jacobs-(Jim Honea)

120 FW3A- We are currently helping with the bidding process to prepare to go out to construction. The pre-bid
121 conference was held on Tuesday the 23rd and an optional site visit with the potential bidders took place this
122 morning. There were thirteen contractors that attended the pre-bid conference, which was made mandatory
123 to attend in order to bid on this project. The bids for FW3A are due on April 28th, with the hope to be going into
124 construction this summer 2021.

125 FW1- The 90% drawings and specifications for FW1 are in review with Authority, the New Mexico Environment
126 Department Construction Programs Bureau, and the New Mexico Environment Department-Drinking Water
127 Bureau. Drawings and specs were also sent to all the Utilities we will be crossing as well as the Department of

128 Transportation. Comments were received back from NMED-DWB. The Authority and Jacobs set up a meeting
129 to discuss those comments and there were no major issues to report. A cost estimate is currently being worked
130 on right now based on the 90% design. Jacobs is also updating items on the corrosion technical memo, surge
131 technical memo, and the hydraulics technical memo that were completed back in 2016 during the 60% design.
132 Texico Lateral- Jacobs is working on finalizing the draft for the Texico alignment study technical memo. This
133 will be sent to the Authority in the next few weeks for their review.

134
135 b) ISC Report- Ortega N/A

136 c) State Activities- Thompson Mr. Thompson's updated the Board on the past month's activities. Mr. Thompson
137 let the Board know that the Authority will be hosting members from the New Mexico Legislative Finance Committee
138 at the ENMWUA Offices to give a site visit, and an overview and update on the Authority's project. Specifically, the
139 NMLFC is interested in the timeline the Authority has to finish the project. They also want to know specifics as to
140 where the state of New Mexico's funding fits in the timeline and how that lines up with future federal funding and
141 the local membership contributions. Mr. Thompson informed the Board on the state's upcoming special session,
142 scheduled for April 30th. This session is set to last for 5 days, specifically to address the marijuana issue. This special
143 session is relevant to the Authority because it allows the Governor to review all the bills and capital outlay from the
144 60-day session. It is expected to be a very political special session, and it could be a benefit to the Authority.

145 d) Federal Activities- Ryan Mr. Ryan sent a video for the Board on his monthly report. His federal update included
146 an update that he and Mr. Ortega gave to a few of the appointments from the Biden Administration with the
147 Department of Interior. Tanya Trujillo was on the call for the update. She has been appointed as the Assistant
148 Secretary for Water and Science for the Department of Interior. This position is above the Bureau of Reclamation
149 Commissioner. She knows the ENMWUA project well and comes from serving as council for the Interstate Stream
150 Commission. Another appointee on the update call was Camille Calimlim, Deputy Commission for the Bureau of
151 Reclamation. She will be over seeing our project on the federal level in D.C. The meeting was very productive and
152 those on the call were impressed with the Authority's progress with the project. It was noted during conversation
153 that it was pleasing to know the Authority maintains good contact with the Office of Management and Budget.
154 Allowing the Authority to stay on track to continue to receive future federal funding. Mr. Ryan informed the Board
155 that Senator Heinrich is a new appointee to the United States Senate Appropriations Committee. He also sits on the
156 Energy and Water Appropriations Sub-Committee which funds the Rural Water Program. A funding request meeting
157 was held with Senator Heinrich's office and an update was given along with Mr. Ortega submitting a funding request
158 to Senator Heinrich's office. Mr. Ryan's update concluded with him congratulating the Board on receiving the most
159 recent 2021 federal award from the USBR for the \$14.8 million appropriated from the Rural Water Projects fund.

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

161 f) Report from the Administrator- Ortega Mr. Ortega briefly reviewed the Authority's activities for the past
162 month. Mr. Ortega stated that he will begin to start looking at the next fiscal budget. Work will start on the
163 beginning stages of preparing a preliminary draft budget which will be presented to the Finance Committee.

164 FW2 construction is closed out and complete and will move forward on operations and maintenance for the portion
165 of the project.

166 The Authority is continuing to move forward with the FW3A project. Advertisements to bid were published on
167 March 4th. There has been a good number of responses, noting 13 contractors submitted intents to bid on the FW3A
168 portion. The mandatory pre-bid conference was successful with all 13 contractors that previously submitted intents
169 to bid, attending that mandatory meeting. The optional site visit took place this morning.

170 The FW3B request for realignment to Lime Street Facility technical memos were submitted to NMED-CPB and are
171 under review. The next steps for Finished Water 1 are to seek approval on the 90% design. Once approval is received
172 the Authority will begin the next step which is to start the easement acquisition process. The Authority hopes to
173 start this process within the next month.

174 **11. Future Agenda Items**

175 a) Next Regular Meeting, Date, Time, and Location: April 22nd, 2021 at 3:00 p.m. at the Elida Community
176 Center, Elida, NM 88116.

177 **12. Public Input-N/A**

178 **13. For the Good of the Order- N/A**

179 **14. Adjournment**

180 Meeting adjourned officially at 5:05 PM.

181 X 

182 Michael A. Morris
183 Chairman

X 

Chris Bryant
Secretary