

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, April 22nd 2021
LOCATION: Elida Community Center
704 State Street, Elida, NM 88116
(Limited In- Person Attendance)

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 Vice-Chair Jackson at 3:00 PM.

3 **2. Oath of Office for New Member**

4 Appointee for the third seat to represent the City of Clovis, Mayor Michael A. Morris took the Oath of Office
5 to the ENMWUA Board by Attorney Kameron Barnett.

6 **3. Roll Call**

7 Roll was called and the following ENMWUA Board Members were in attendance in person: Secretary Bryant,
8 Member Morris, Vice-Chair Jackson, Member Lucero, and Member Dixon. Member Garza was present via
9 video/phone. Administrator Orlando Ortega and staff were present, as well as. Mr. Barnett, Attorney for the
10 Authority. Vice-Chair Jackson requested that anyone participating via phone/video identify themselves for the
11 record. The following participants were identified; Wendy Christofferson with Jacobs Engineering, Joe Siess with
12 the Eastern New Mexico News, and John Ryan were present via video/phone. Max Carter, Texico Council
13 Member, Joe Thompson with Thompsons Consulting, and a member of the public, Mark Van Dyke were in
14 attendance in-person.

15 **4. Approval of Agenda**

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

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

17 **5. Open Board Positions**

18 Mr. Ortega addressed the Board expressing that with the Chairman position now vacant, the Authority will need
19 to nominate a member to the Chair position. Mr. Ortega stated the New Mexico state statute did not indicate any
20 specific criteria for the Chair, Vice-Chair or Secretary positions. It was passed back to the Board to open for
21 nominations for the Chair position. Secretary Bryant made a motion to nominate Member Morris for Chairman of the
22 Authority and Member Lucero seconded the motion. Member Morris was elected to become Chairman of the
23 ENMWUA.

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

24

25 **6. Approval of Minutes**

26 a.) A motion was made to approve the minutes from the regular Board Meeting held on Thursday, March 25th, 2021
27 at 3:00 pm at the Portales Memorial Building. A roll call vote took place.

Result:	Approved by Vote (5 in favor, 1 abstention)
Motion:	
Lucero	
Second:	
Jackson	
Ayes:	
Nays:	

28 **7. Public Input N/A**

29 **8. Monthly Financials**

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

31 Mr. Ortega briefed the Board on the financials for the month ending March 31st, 2021. Total revenues for the month
32 were \$16,781.82. This amount included the Town of Elida's membership contribution for FY21, as well as interest
33 earned from the Citizens Bank of Clovis. The total of expenditures for the month of March was \$314,278.33. Mr.
34 Ortega reported all Authority account balances for the Citizens Bank as of March 31st, beginning with the business
35 checking account holding a balance of \$296,870.71. The money market account balance was at \$4,052,717.89 and
36 the CD account balance was at \$2,517,530.62. The total balance of all ENMWUA accounts at the end of March was
37 \$6,867,119.22. The bank balances as of today were reported as followed: business checking balance \$177,374.27,

38 the money market account and CD account balances remained the same, bringing the total balance of all accounts
39 to \$6,747,622.78. Mr. Ortega did inform Chairman Morris the purpose of the Authority's monthly transfer request
40 and then presented to the Board the monthly fund transfer request in the amount of \$424,000.00. This amount
41 includes the monthly expenses and the payoff of Water Trust Board Loan, WPF-744.

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

42 **9. New Business Items**

43 a.) Review/Recommendation for Approval of Financial Management Policies and Procedures.- Ortega,
44 Bowens. Mr. Ortega informed the Board that the Financial Management Policies and Procedures were last
45 reviewed and approved by the Board on February 27th, 2020. Ms. Bowens gave a quick overview of the policy. She
46 stated that the purpose of the Financial Management Policies and Procedures is to ensure the ENMWUA is
47 adhering to all rules and regulations required by both federal law and law set forth by the state of New Mexico
48 for financial management and reporting. The recommended changes made were presented to the Board included
49 an update in the grant reporting section, to remove the SF-425 quarterly reporting and monthly SAP reporting
50 funds from the Accounting firm as the Authority has now taken on these responsibilities to ensure continuity and
51 efficiency with all grant reporting.

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

52

53 b.) Review/Recommendation for Approval of ENMWUA Vehicle Use Policy 2019.- Ortega, Bowens.
54 Mr. Ortega reiterated that when the Authority purchased a vehicle back in 2019. A vehicle use policy was then
55 created for the ENMWUA to follow. Ms. Bowens informed the Board that the Vehicle Use Policy was last updated
56 on September 26th, 2019. The purpose of this policy is to provide the ENMWUA with a vehicle to support in
57 conducting business activities and is used only by qualified and authorized employees and Board members. The
58 policy states that when operating the Authority's vehicle that all motor vehicle laws will be upheld. The only change
59 made to this policy was to update the date to reflect the review and re-approval of this policy.

Result: Approved by Vote (6-0)

Motion:
Bryant
Second:
Jackson
Ayes:
Nays:

60

61 c) Review/Recommendation for Approval of Notice of the Right to Request Public Records and Request
62 for Public Records Form.- Ortega, Bowens.

63 The Notice of the Right to Request Public Records along with the Request for Public Records form is a new policy
64 presented to the Board. Mr. Ortega stated that the Authority has recognized the need for a structured policy to be
65 in place for requests submitted for public information. The Authority will follow the policy and procedures put in
66 place along with following the New Mexico Inspection of Public Records Act (IPRA). IPRA is a New Mexico state law
67 that provides the media and members of the public to access public information. Ms. Bowens stated that having
68 this policy put in place allows the Authority to properly process these public requests while following the guidelines
69 set forth by the Attorney General’s Office of New Mexico. This policy has been reviewed by the Authority’s
70 Administrator, staff, and attorney. The policy was also brought to and reviewed by the Authority’s Development
71 and Policy Committee. Ms. Bowens stated that once this policy is approved, it will be posted to the ENMWUA
72 website where the policy can be accessed as well as the form to submit a records request. There was discussion of
73 a few changes. These changes included removal of anywhere stating a fax number on the policy, as it was mentioned
74 the ENMWUA does not have a fax number to provide. The other change was to remove the charges of assembly
75 fees as it relates to the fee schedule. This policy was recommended for approval with these noted changes.

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

76

77 d.) Appointment of ENMWUA Bill Pay Approver.- Ortega.

78 Mr. Ortega explained to the Board that throughout each month the bills are approved by three approvers which
79 includes the Administrator, along with Secretary Bryant, and previous Chairman, David Lansford. At this time, the
80 Authority will need to find a replacement for the third bill approver. Chairman Morris extended the offer to take on
81 the responsibility of as the third bill approver. A motion was made to appoint Chairman Morris and a roll call vote
82 took place.

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

Bryant

Ayes:

Nays:

83

84 e.) Appointment of ENMWUA Bank Account Signatory. - Ortega

85 Mr. Ortega stated the appointment of the bank signatory is before the Board today since the former Chairman has
86 stepped down. Currently Secretary Bryant is the Authority's other authorized signer to the bank accounts. Mr.
87 Ortega stated that this position of being a bank account signatory will need to be someone that would be readily
88 available to the Authority to sign bank documents to movement of authorized funds. Only the two signatories have
89 access to the Authority funds other than Board action. Mr. Ortega wanted to note to the Board that he does not
90 have access to any of the ENMWUA bank funds, other than to view the accounts. A motion was made to
91 appointment Chairman Morris as a bank account signatory, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Jackson

Second:

Dixon

Ayes:

Nays:

92

93 f.) Update on FW1 90 Percent Design. – Ortega, Jacobs Engineering.

94 A technical overview of the FW1 90 percent design was given by Ms. Christofferson with Jacobs Engineering. Ms.
95 Christofferson stated that with the 90 percent design completion, the alignment of this project is now nailed down
96 and set-in stone. With that in place Jacobs and the ENMWUA are now proceeding with the legal descriptions for
97 the easement acquisition of these properties. These legal descriptions will be used to obtain appraisals on these
98 properties. There are approximately 23 properties identified along this alignment. Jacobs and the ENMWUA will
99 then be working on obtaining a permanent easement and a temporary construction easement for those 23
100 properties. Once the legal descriptions are complete the next step is to send those documents to the appraiser and
101 then the review appraiser. A briefing was given over the alignment map for FW1. The FW1 alignment will end at the
102 proposed water treatment plant, located at Highway 288 and Curry Road R. This pipe is a 39-inch diameter line that
103 will extend north to south along Curry Road R. The alignment will follow along on either the East or West side of
104 Curry Road R depending on existing infrastructure. Located at the South end of the FW1 alignment, the pipeline
105 will tie into the FW2 pipeline, that is just North of CAFB. The total distance of the FW1 alignment is 15.5 miles.

106

107 **10. Unfinished Business N/A**

108 **11. Reports from Board Members and Staff**

109 a) Project Development Activities -Jacobs-(Wendy Christofferson)

110 FW3A- Currently Jacobs is assisting in the process of bidding for this project. Jacobs has provided a final addendum
111 to the bidders and that included several questions from those bidders. Bids for this project are due on April 28th.
112 The notice of award for FW3A is anticipated for May 28th, 2021.

113 FW1- This item was previously reported during new business discussion.

114 Texico Lateral- Jacobs has offered ongoing support to the Water Authority as needed in any of the EPCOR
115 discussions associated with the Texico Lateral alignment study. Jacobs has also continued to work with Mr. Ortega
116 on any agreements. Mr. Ortega added that there was discussion during the Development and Policy Committee
117 meeting this past week. The Authority's next step is to have another workshop with representatives from the City
118 of Texico and members of our Development & Policy Committee to continue discussion for next steps for the Texico
119 Lateral.

120

121 b) ISC Report- Ortega The Authority was briefed on the ICS Report. The following was reported for the month of
122 April 2021. The recorded current storage is at the reservoir is 133,717 acre/ft. The recorded year to date
123 precipitation is at 2.11 inches. Over the last 30 days the reservoir has reduced by about 1,654 acre/feet.

124 c) State Activities- Joe Thompson Mr. Thompson reported on a meeting and site tour that was held a few weeks
125 ago with the New Mexico Legislative Finance Committee. Mr. Thompson said everyone present for the Authority
126 including Mr. Ortega, Vice-Chair Jackson, Jim Honea with Jacobs, and Mr. Carter with City of Texico did a great job
127 with the discussions with the NMLFC. The ENMWUA was able to give a very detailed overview of the Authority's
128 projects, from the beginning of how the Authority was created to the current stages of the ENMWUA's projects.
129 Mr. Thompson stated that the state of New Mexico is in a transition period on how they treat and approach funding
130 for large projects like the ENMWUA. It was suggested to continue to give updates and educate new members that
131 are coming into office to represent the state of New Mexico.

132 d) Federal Activities- John Ryan Mr. Ryan congratulated Chairman Morris on his appointment to the Board and
133 gave a quick history over the funding the Authority has received in the past few years. The ENMWUA has been
134 receiving around \$15 million from the US Bureau of Reclamation. The Authority along with the other five Rural
135 Water Projects had come together to make a federal fund request at \$125 million a year for 10 years. That
136 agreement would fully fund all the 5 projects within that time frame. The projects have been lucky to receive more
137 than the requested amount for the past few years. Mr. Ryan and Mr. Ortega did reach out to the contacts of the
138 other projects to reconnect the Rural Water Projects Coalition. In rejoining there was discussion of the possibility
139 that the federal government would bring back earmarks for funding. The issue that could arise is if every project
140 would have to make their individual funding request, which could pose to be more difficult than if the five projects
141 collectively make a request for the \$125 million. Currently, a letter is being drafted to send to the Appropriations
142 Committee to make that joint request of funds. There is a quick update that one of the five projects, Dry Prairie is
143 projected to be completed in 2022.

144 e) Report from the Chair- Newly appointed Chairman Morris addressed the Board on his thoughts with the
145 Texico Lateral. The Chairman also mentioned that he firmly believes in the ENMWUA and the mission of completing
146 this project, making this mission one of the top priorities for the region.

147 f) Report from the Administrator- Ortega Mr. Ortega recapped on the FW1 90 design being complete and the
148 next steps involve the Authority sending out initial letters to the 23 identified property owners along the 15.5 mile
149 route. Once these easements are secured, the ENMWUA is essentially shovel ready and will begin preparing a bid
150 package. Hopeful to complete this easement acquisition in a 9-month period.

151 The Authority is hopeful to award a bid for the FW3A project in the coming weeks. The Water Trust Board, WPF-
152 5093, last year's award, will hopefully be closed in the next 30 days. The award amount for this grant loan is around
153 \$5 million, these funds will go towards FW3A.

154 The application for WTB-5416 was recently recommended for approval last month, and we hope to see an official
155 award of funds in May. The Water Trust Board did contact the Authority about additional funds for this application
156 and ENMWUA did accept the increase of funds.

157 Currently Ms. Bowens is working on gathering audit quotes for next fiscal year. The Authority is also working on the
158 preliminary budget for FY2022. This preliminary budget will go before the Board in May for approval.

159 **12. Future Agenda Items**

160 a) Next Regular Meeting, Date, Time, and Location: May 27th, 2021 at 3:00 p.m. at the ENMWUA Office (Sitterly
161 Professional Center) 801 Pile Street, Clovis, NM 88101.

162 **11. Public Input**

163 Mr. Ortega reminded the Board of the upcoming Special Board Meeting on Monday, April 26th, 2021 at 3:00 pm.
164 The meeting will be held at the ENMWUA Office (Sitterly Professional Center), 801 Pile Street, Clovis, NM 88101.

165

166 **14. For the Good of the Order N/A**

167

168 **14. Adjournment**

169 Meeting adjourned officially at 4:22 PM.

170

X 

171 Michael A. Morris
172 Chairman

X



Chris Bryant
Secretary