

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday May 26, 2022

LOCATION: ENMWUA Office (Sitterly Professional Center), 801 Pile Street, Clovis, NM

1 **1. Call to Order**

2 The meeting was called to order at 3:03 PM

3 **2. Oath of Office for ENMWUA Members**

4 a) One Member for the City of Portales

5 Ronald L. Jackson

6 b) One Member from the City of Clovis

7 Chris Bryant

8 **3. Roll Call**

9 Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris, Vice-
10 Chairman Jackson, and Secretary Bryant. The following ENMWUA Board Members who were in attendance via
11 Microsoft Teams: Member Lucero, and Member Garza. ENMWUA Administrator Orlando Ortega and staff,
12 ENMWUA Attorney Kameron Barnett, Robby Sanders with Smithco Construction, and Jim Honea with Jacobs
13 Engineering were also present. Members of the public that attended in person included Wayne Palla, Erick Palla,
14 and Vincent de Maio.

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 (5-0)
Motion:	
Jackson	
Second:	
Bryant	
Ayes: 5	
Nays: 0	

17 **5. Approval of Minutes**

18 a.) Minutes of ENMWUA regular meeting held on Thursday, April 28, 2022 at 3:00 pm at the Roosevelt County
19 Chamber of Commerce. A motion was made and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:

Bryant

Second:

Jackson

Ayes: 5

Nays: 0

20 **6. Public Input**

21 Members of the public that attended in person included Wayne Palla, Erick Palla, and Vincent de Maio. No public
22 input was made at this time.

23 **7. Monthly Financials**

24 a) Approval of Monthly Financials for the Month ending April 30, 2022 - Marez, Ortega. Ms. Marez stated
25 the total revenues for the month ending April 30, 2022, was in the amount of \$812,435.08. She informed the Board
26 that the revenues for the month of April included SAP Reimbursement for FW3A Construction in the amount of
27 \$673,442.09 along with USBR funds for FW3A Construction in the amount of \$106,567.52 and the City of Texico's
28 FY22 Membership Contribution in the amount of \$32,425.47. Total expenditures for the month ending April 30,
29 2022, were reported at \$783,272.58. The reported balances of the ENMWUA bank accounts at the Citizens Bank
30 were as followed: Business Checking Account balance as of April 30, 2022, was \$1,619,903.25 and reported as of
31 May 26, 2022, the current balance of the Business Checking Account is \$1,867,631.65. The balance of the Money
32 Market Account as of April 30, 2022 was \$1,414,240.75 and balance reported as of May 26, 2022 was \$1,415,123.99.
33 The ENMWUA CD account balance as of April 30, 2022, was \$2,533,931.35 and the same balance was reported as
34 of May 26, 2022. The total balance of all Authority accounts as of April 30, 2022, was reported at \$5,568,075.35. A
35 motion was made for approval of monthly financials, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Bryant

Ayes: 5

Nays: 0

36

37 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
38 Account #7101- Ortega. Ms. Marez presented the monthly bank transfer request in the amount of \$285,000.00
39 from the ENMWUA Money Market Account to the ENMWUA Business Checking Account. A motion was made for
40 approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Garza
Second:
Bryant
Ayes: 5
Nays: 0

41 **8. New Business Items**

42 a.) Presentation and Request for Approval of the ENMWUA FY2023 Interim Budget. – Ortega
43 Mr. Ortega presented to the Board the ENMWUA FY2023 Interim Budget. Mr. Ortega reviewed items discussed
44 included total revenues, professional services, administrative expenses, operation & maintenance costs. Debt
45 service was also discussed and included was a review of the Water Trust Board debt service & debt reduction. Mr.
46 Ortega went over the planned construction, design, and easement acquisition of current and future projects
47 budgeted for fiscal year 2023. A motion was made for approval, and a roll call vote took place;

Result: Approved by Vote (5-0)
Motion:
Bryant
Second:
Jackson
Ayes: 5
Nays: 0

48 b.) Request for Approval to Post Notice of Intent for Sole Source Services with Harmon, Barnett, and
49 Morris, P.C. for Legal Services. – Ortega, Bowens. Ms. Bowens explained that New Mexico State statute 13-1-
50 126 states that the Authority may procure and award a professional services contract having a value exceeding sixty
51 thousand dollars by Sole Source Procurement as long as the following apply: 1. the services are unique, and this
52 uniqueness is substantially related to the intended purpose of the contract. 2. The agency uses due diligence in
53 determining the basis for Sole Source Procurement. 3. A written determination is included in the procurement file.
54 4. A 30-day public posting of the agency’s intent to award shall be posted on its website and the State Purchasing
55 Department website, Sunshine Portal is complete. 5. A 15-day protest period is complete. A motion was made for
56 approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Garza
Second:
Bryant

Ayes:5

Nays: 0

57 c.) Request for Approval of Annual Service Agreement with Hinkle & Landers Certified Public
58 Accountants for the Period of July 1, 2022 to June 30, 2023. – Ortega, Bowens

59 Mr. Ortega presented the professional services contract for accounting services to the Board. He explained that the
60 Annual Service Agreement with Hinkle and Landers meets all procurement guidelines of professional service
61 contracts in accordance with New Mexico Procurement Code. A motion was made for approval, and a roll call vote
62 took place.

Result: Approved by Vote (5-0)

Motion:
Jackson

Second:
Bryant

Ayes: 5

Nays: 0

63 d.) Request for Approval of the FY2022 Audit Contract with De'Aun Willoughby CPA, PC. – Ortega, Bowens

64 Mr. Ortega presented the professional services contract with De'Aun Willoughby CPA, PC to the Board. It was
65 explained that the FY 2022 Audit Contract meets all procurement guidelines of professional service contracts in
66 accordance with New Mexico Procurement Code. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:
Bryant
Second:
Jackson

Ayes:5

Nays: 0

67 e.) Request for Approval of Services Agreement with RBC Capital Markets LLC for a Term of Four Years on
68 an As Needed Basis. -Ortega, Bowens

69 Mr. Ortega presented the four-year term professional services contract to
70 the Board. He explained that the Services Agreement with RBC Capital Markets LLC meets all procurement
71 guidelines of professional service contracts in accordance with New Mexico Procurement Code. A motion was made
for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:
Garza
Second:
Bryant

Ayes:5

Nays: 0

72 f) Request for Approval to Establish a Capital Construction Account with The Citizens Bank of Clovis for the
73 Purpose and Use with Upcoming ENMRWS Project Activity. – Ortega. Mr. Ortega presented to the Board a
74 proposal for establishing an additional bank account with Citizens Bank of Clovis. Mr. Ortega explained the benefits
75 of establishing a Capital Construction Account is for the purpose and use of keeping funds separated with upcoming
76 ENMRWS project activity. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Jackson
Second:
Bryant
Ayes: 5
Nays: 0

77
78 g) Request to Approve FW3A Construction Change Order #1 in the amount of \$53,251.98– Ortega.
79 Mr. Ortega described to the Board that FW3A Change Order #1 included five work change directives. The work
80 change directives included a change in magnesium anodes, a no-cost schedule extension, an adjustment to a
81 conflicting 6” pipeline, another adjustment for a conflict with an existing utility, and finally the relocation of an
82 unmarked 3” conduit. This change order was reviewed and recommended for approval by the Finance Committee.
83 A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Bryant
Second:
Jackson
Ayes: 5
Nays: 0

84 h) Request to Approve FW3A Construction Change Order #2 in the amount of \$131,614.89 – Ortega.
85 Mr. Ortega explained that Change Order #2 consisted of a price increase from subcontractor DH Underground. This
86 change order was reviewed and recommended for approval by the Finance Committee. A motion was made for
87 approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Lucero
Second:
Garza
Ayes: 5
Nays: 0

88 i) Request for Approval of Easement Agreements and Memorandum of Agreement with Bonnie Lee
89 McCready and William John McCready and the ENMWUA for FW1 Pipeline Phase. -Ortega Parcel No. 1
90 204 016 132 396 00 (AA). Mr. Ortega stated that these easements are a temporary construction easement and
91 permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:

Bryant

Second:

Jackson

Ayes: 5

Nays: 0

92 j) Request for Approval of Easement Agreements and Memorandum of Agreement with Bonnie Lee
93 Jones, K.C. Jones, and Roberta Jones and the ENMWUA for FW1 Pipeline Phase. -Ortega
94 Parcel No. 1 204 017 132 264 00 (Y) Mr. Ortega stated that these easements are a temporary construction
95 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
96 vote took place.

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Bryant

Ayes: 5

Nays: 0

97 k) Request for Approval of Easement Agreements and Memorandum of Agreement with Robert Lee
98 Jones and Edith Irene Jones, Roberta Rene McKenzie, Kaye Cherie Schooley, and Bonnie Lee
99 McCready and the ENMWUA for FW1 Pipeline Phase. -Ortega
100 Parcel No. 1 203 017 396 396 00 (X). Mr. Ortega stated that these easements are a temporary construction
101 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
102 vote took place.

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Bryant

Ayes: 5

Nays: 0

103 l) Request for Approval of Easement Agreements and Memorandum of Agreement with Robert Lee Jones
104 and Edith Irene Jones, Roberta Rene McKenzie, Kaye Cherie Schooley, and Bonnie Lee McCready and the
105 ENMWUA for FW1 Pipeline Phase. -Ortega Parcel No. 1 203 018 263 264 00 (V) Mr. Ortega stated that these
106 easements are a temporary and permanent easement for the FW1 pipeline project. A motion was made for
107 approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:

Garza
Second:
Bryant

Ayes: 5

Nays: 0

108 m) Request for Approval of Easement Agreements with de Maio Farms and Ranches Inc., a New Mexico
109 Corporation and the ENMWUA for FW1 Pipeline Phase. -Ortega Parcel No. 1 204 012 132 396 00 (KK) Mr.
110 Ortega stated that these easements are a temporary construction easement and permanent easement for the FW1
111 pipeline project. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:
Jackson
Second:
Bryant

Ayes: 5

Nays: 0

112 n) Request for Approval of Easement Agreements with de Maio Farms and Ranches Inc., a New Mexico
113 Corporation and the ENMWUA for FW1 Pipeline Phase. -Ortega
114 Parcel 1 204 013 198 244 00 (II). Mr. Ortega stated that these easements are a temporary construction easement
115 and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call vote took
116 place.

Result: Approved by Vote (5-0)

Motion:
Jackson
Second:
Bryatn

Ayes: 5

Nays: 0

117
118 o) Request for Approval of Easement Agreements with Shoenail Ranch Co., a New Mexico Corporation
119 and the ENMWUA for FW1 Pipeline Phase. -Ortega
120 Parcel No. 1 203 022 264 132 00 (M)
121 Parcel No. 1 203 021 396 264 00 (N)
122 Parcel No. 1 204 020 264 264 00 (O)
123 Parcel No. 1 204 020 264 264 00 (P).
124 Mr. Ortega stated that these easements are a temporary construction easement and permanent easement for the
125 FW1 pipeline project. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)

Motion:
Garza
Second:
Jackson

Ayes: 5

Nays: 0

126 p) Request for Approval of Easement Agreements with Shoenail Ranch Co., a New Mexico Corporation
127 and the ENMWUA for FW1 Pipeline Phase. -Ortega
128 Parcel No. 1 203 023 350 264 00 (J). Mr. Ortega stated that these easements are a temporary construction
129 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
130 vote took place.

Result: Approved by Vote (5-0)

Motion:

Garza

Second:

Jackson

Ayes: 5

Nays: 0

131 q) Request for Approval of Easement Agreements with Linda Palla & Chris Westphal, Co- Trustees
132 of the E.A. Westphal Trust # A/K/A Everett A. Westphal and Marjorie V. Westphal Irrevocable Living Trust
133 Agreement Number One and the ENMWUA for FW1 Pipeline Phase. -Ortega
134 Parcel No. 1 203 025 264 396 00 (D) Mr. Ortega stated that these easements are a temporary construction
135 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
136 vote took place.

Result: Approved by Vote (5-0)

Motion:

Jackson

Second:

Bryant

Ayes: 5

Nays: 0

137 r) Request for Approval of Easement Agreements with Chris R. Westphal & Linda J. Palla, as CoTrustees of
138 the Everett A. Westphal and Marjorie V. Westphal Irrevocable Living Trust Agreement One and the
139 ENMWUA for FW1 Pipeline Phase. -Ortega
140 Parcel No. 1 203 026 264 264 00 (B) Mr. Ortega stated that these easements are a temporary construction
141 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
142 vote took place.

Result: Approved by Vote (5-0)

Motion:

Bryant

Second:

Jackson

Ayes: 5

Nays: 0

143 s) Request for Approval of Easement Agreement with Chris R. Westphal & Linda J. Palla, as CoTrustees of
144 the Everett A. Westphal and Marjorie V. Westphal Irrevocable Living Trust Agreement Number One and
145 the ENMWUA for FW1 Pipeline Phase. -Ortega
146 Parcel 1 203 027 264 264 00 (AC) PE only. Mr. Ortega stated that these easements are a temporary construction
147 easement and permanent easement for the FW1 pipeline project. A motion was made for approval, and a roll call
148 vote took place.

Result: Approved by Vote (5-0)
Motion:
Jackson
Second:
Garza
Ayes: 5
Nays: 0

149 t) Request for Approval of FW1 Pipeline Plans, Specifications, and Construction Bid Package and to
150 Advertise for Request for Proposals (RFP) for FW1 Pipeline Construction, Appoint an Evaluation
151 Committee, and Permission to Negotiate Contract. – Ortega, Bowens. Mr. Ortega stated that this request for
152 approval will allow the ENMWUA staff to move the FW1 pipeline forward. Jim Honea prepared a brief review of the
153 alignment and highlight of the final plans and specs of the FW1 pipeline. Ms. Bowens went over the timeline for the
154 RFP timeline. The Board agreed to appoint the following evaluation committee one member from the city of Clovis,
155 one member from the city of Portales, two members of the Jacobs' Engineering team and one member of the
156 ENMWUA staff. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (5-0)
Motion:
Bryant
Second:
Jackson
Ayes: 5
Nays: 0

157

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

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

160 a) Project Development Activities -Jacobs- Jim Honea

161 FW3A- Mr. Honea explained that 100% of 20" PVC has been completed, 75% of the fiber conduit has been
162 completed and 100% of the ductile iron pipe (DIP) has been installed. Mr. Honea notified the Board that the tie in
163 of piping at both the trenchless crossing pits have been completed. He stated that the cathodic protection testing
164 and verification of the system has begun along all DIP installation areas. Work on the vaults has also been started.
165 Mr. Sanders from Smithco Construction went into details regarding the upcoming schedule. Mr. Sanders explained
166 that Smithco will be working on completing the following: land restoration, vaults, cathodic protection. Mr. Sanders
167 stated that Smithco is hoping to start putting water into the line within the next couple of months for hydrostatic
168 testing.

169 FW1- Currently Jacobs is in coordination with the ENMWUA on finishing up easement acquisition. Jacobs is gearing
170 up and ready to focus on the RFP process that will begin on June 15, 2022.

171 RW3- Mr. Honea explained that Jacobs field work phase of the RW3 project is starting to wrap up. Survey work has
172 been completed. The geotechnical report has been completed. Utility potholing is currently underway. The next
173 phase of the RW3 project includes the preliminary hydraulic analysis. The preliminary scour analysis is still ongoing.

174 FW3B- Mr. Honea explained that Jacobs is trying to advance the FW3B project as quickly as possible. The
175 geotechnical draft report is completed and is under review by an internal QC team. Mr. Honea expressed that 60%
176 design was delivered to the ENMWUA and Stakeholders. All initial letters have been send out to all property owners
177 and Mary from Jacobs' is following up to when the appraisal process will begin.

178 Texico- Jacobs is supporting the ENMWUA during discussions with EPCOR. The updated alignment study has been
179 completed.

180 Overall Project Cost Estimate- Jacobs Engineering has completed the Overall Cost Estimate. Jacobs is currently
181 finalizing an updated revision and will submit that to the Authority once ready.

182 Raw Water 1, and Raw Water 2- Jacobs Engineering has started the Right of Entry phase. Mr. Honea stated that the
183 initial review of a horizontal alignment is currently ongoing.

184 Elida Lateral- Jacobs Engineering has begun the alignment study. The first step in the alignment study is a
185 preliminary hydraulics analysis and cost comparison.

186 b) Ute Reservoir USGS Report- Bowens. Currently the Ute Reservoir storage in ac/ft as of April 26, 2022, was
187 139,900 ac/ft and as of May 26, 2022, was 136,200 ac/ft. Ms. Bowens explained that there was a 3,700 ac/ft
188 dropped from April to May of 2022. The reported water surface elevation in feet as of April 26, 2022, was 3,776.98
189 ft and as of May 26, 2022, was 3,776.31 ft. Ms. Bowens explained that there was a 8.04 inch dropped from April to
190 May 2022.

191 c) State Activities- Thompson. Mr. Thompson stated that he was able to attend the Legislative Finance Committee
192 (LFC) meeting in Roswell. Marquita Russell stated that she is preparing to have a NMFA meeting in Portales, NM.
193 Mr. Thompson stated that he met with Scott Verhines and collected some historical ENMWUA documentation.
194 Lastly, the Board was informed that ENMWUA might get a request for a presentation from the Water and Natural
195 Resources Committee later this summer.

196 d) Federal Activities- Ryan. Mr. Ryan explained a meeting with the OMB office regarding the ENMWUA's funding.
197 During the meeting it was explained to Susan Litma from OMB that the ENMWUA will require additional funding
198 over the amount we will receive from the Infrastructure Bill. The plan as explained to the OMB is for the ENMWUA
199 to continue to seek regular appropriation dollars as well as seeking any plus up dollars from Senator Heinrich and
200 Congresswomen Teresa Leger-Fernandez.

201 e) Report from the Chair- Morris. Chairman Morris stated that the City of Clovis is working on a plan to present
202 to the City Commissioners for approval that would upfront \$15 million of the City of Clovis Membership
203 contributions as proposed in the 2022 Finance Plan.

204 f) Report from the Administrator- Ortega. Mr. Ortega stated that the Authority submitted the ENMRWS
205 Completion request regarding the new grant agreement to the Bureau of Reclamation on May 12, 2022. Mr. Ortega
206 conveyed to the Board that the Authority submitted modifications to the FW1 and FW3 grant agreements with the
207 USBR as well. FW1 modification request was submitted on May 3, 2022 and the FW3 modification request was
208 submitted on April 20, 2022. These modifications are for budget adjustments to cover the cost increase shown on

209 the Overall Cost Estimate that was prepared by Jacobs Engineering. The Administrator explained that the Authority
210 completed the Drinking Water State Revolving Loan Fund application. Mr. Ortega stated that the ENMWUA also
211 assisted the City of Clovis with their DWSRLF application. Both the DWSRLF applications should go before the New
212 Mexico Finance Authority Board in June for consideration. Mr. Ortega conveyed that the Authority has completed
213 all requests regarding the SAP funding in the amount of \$20,000,000 but is still waiting on direction from the NMED-
214 CPB regarding the \$10,000,000 Capital Outlay funding. Lastly, Mr. Ortega stated that with the Board's approval of
215 Interim Budget for Fiscal Year 2023 the Authority will begin to advertise the new job position with a start date of
216 July 1, 2022.

217 **10. Future Agenda Items**

218 a) Next Regular Meeting, Date, Time, and Location: Thursday, June 23, 2022, at 3:00 p.m. at the Sitterly Professional
219 Building, 801 Pile St., Clovis, NM, 88101.

220 **11. Public Input**

221 FW1 property owners Wayne Palla, Erick Palla, and Vincent de Maio expressed to the Board the concerns they
222 have in the easement acquisition process. Discussion was held.

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

224 **14. Adjournment**

225 Meeting adjourned officially at 5:25 PM.

226 X  _____

227 Michael A. Morris
228 Chairman
229

X  _____

Chris Bryant
Secretary