

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday June 23, 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 2:59 PM

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

- 4 a) One Member for the Town of Elida
5 Durward A. Dixon

6 **3. Roll Call**

7 Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris, Vice-
8 Chairman Jackson, Member Lucero, Member Garza, and Secretary Bryant. ENMWUA Administrator Orlando
9 Ortega and staff as well as ENMWUA Attorney Kameron Barnett, Robby Sanders with Smithco Construction.
10 Jim Honea, Wendy Christofferson, Kevin Heffernan, and Ron Williams with Jacobs Engineering were also
11 present. Members of the public that attended in-person included Grant McGee from the Eastern New Mexico
12 News, and Max Carter, Council Member the City of Texico.

13 **4. Approval of Agenda**

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

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

15 **5. Approval of Minutes**

16 a.) Minutes of ENMWUA regular meeting On Thursday, May 26, 2022, at 3:00 pm at the ENMWUA Offices.

Result:	Approved by Vote (5-0-1)
Motion:	Lucero

Second:
Garza
Ayes: 5
Nays: 0
Abstain: 1

17 **6. Public Input**

18 No public input was made at this time. Members of the public that were in attendance were noted during roll call.

19 **7. Monthly Financials**

20 a) Approval of Monthly Financials for the Month ending May 31, 2022 -Marez, Ortega. Ms. Marez stated
21 the total revenues for the month ending May 31, 2022, were in the amount of \$1,067,967.29. She informed the
22 Board that the revenues for the month of May includes USBR funds for FW3A Construction in the amount of
23 \$1,066,522.01 and interest earned in the amount of \$1,445.28. Total expenditures for the month ending May 31,
24 2022, were at \$2,401,671.92. The reported balances of the ENMWUA bank accounts at The Citizens Bank were as
25 followed: Business Checking Account balance as of May 31, 2022, was \$575,438.39 and reported as of June 23,
26 2022, the current balance of the Business Checking Account is \$2,235,489.25. The balance of the Money Market
27 Account as of May 31, 2022, was \$1,130,686.03 and balance as of June 23, 2022, is \$1,130,686.03. The ENMWUA
28 CD account balance as of May 31, 2022, was \$2,533,931.35 and the same balance was reported as of June 23, 2022.
29 The total balance of all Authority accounts as of May 31, 2022, was reported at \$4,240,055.77. A motion was made
30 for approval of monthly financials, and a roll call vote took place.

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

31

32 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
33 Account #7101- Ortega.

34 Ms. Marez stated that no monthly bank transfer request was needed for the month of July.

35 **8. New Business Items**

36 a.) Adoption of ENMWUA Open Meetings Act Resolution 2022-05. – Ortega

37 Mr. Ortega reviewed the ENMWUA Open Meetings Act Resolution with the Board. Mr. Ortega stated that the
38 adoption of the Open Meetings Act Resolution demonstrates that the Authority is committed to continue
39 complying with the New Mexico Open Meetings Act and strives to maintain transparency. The Authority follows the

40 Open Meetings Act rules and guidelines with the utmost respect following all requirements. Mr. Ortega explained
41 that the adoption of this Resolution is an annual requirement by New Mexico state law. A motion was made for
42 approval, and a roll call vote took place;

Result: Approved by Vote (6-0)

Motion:
Garza
Second:
Jackson
Ayes: 6

Nays: 0

43 b.) Request for Approval of ENMWUA Regular Board Meeting Schedule for FY 2023 – July 2022 through
44 June 2023. – Ortega Mr. Ortega explained that the adoption of a Regular Board Meeting Schedule is an annual
45 requirement by New Mexico state law under the Open Meetings Act. The regular meeting schedule includes
46 meeting dates, times, and locations. Meeting dates, times, and locations can be changed as long as the Authority
47 follows the Open Meetings Act requirements. Once approved, the ENMWUA will provide this schedule to the local
48 media as well as the ENMWUA website. 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

49 c.) Adoption of Resolution 2022-06 Pledging Matching Funds for Finished Water 1 (FW1) Pipeline Design,
50 and Construction for WTB WPF-5667. – Ortega, Bowens

51 Mr. Ortega informed the Board that Resolution 2022-06 demonstrate the Authority’s pledge of non-state matching
52 funds toward Water Trust Board, WPF-5667 funding award. Mr. Ortega explained that the approval of this
53 Resolution is part of the Authority’s Readiness to Proceed items. The required non-state match amount that is
54 pledged is two million, one hundred and fifty thousand dollars (\$2,150,000.00). Non-state matching pledge is based
55 on Water Trust Board policy. This year the ENMWUA decided to pledge beyond the minimum required match for
56 additional points in the scoring of Authority’s application. The required match that the Authority has pledged will
57 come from U.S. Bureau of Reclamation and ENMWUA local funds. This item has gone before the Finance Committee
58 for review, discussion, and recommendation. A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:
Lucero
Second:
Jackson
Ayes: 6

Nays: 0

59 d.) Approval of Amendment Three for Work on Curry County Road and Right-of-Ways involving FW1
60 Pipeline Project. – Ortega Mr. Ortega explained that Amendment Three to the Curry County Road and Right-of-

61 Ways Agreement involves upcoming work on the Finished Water One pipeline project and gives the Authority the
62 ability to enter Curry County roadways and gives directions on crosscuts across roadways. Curry County Commission
63 approved this Amendment on Tuesday, June 14th, 2022. A motion was made for approval, and a roll call vote took
64 place.

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

65

66 e.) Resolution 2022-07 Adoption of the FY 2024-2028 Infrastructure Capital Improvement Plan (ICIP). -
67 Ortega, Bowens Mr. Ortega described to the Board the importance of the ICIP document because it details the
68 Authority's project priorities over the next five years and the funding needed to accomplish those projects. The ICIP
69 matches the Authority's updated five-year plan and includes the infrastructure bill funding, as well as state and local
70 funding. The ICIP was updated by the ENMWUA Administrator and staff and has been reviewed, discussed, and
71 recommended by the Finance Committee to be presented to the Board. Ms. Bowens outlined the ICIP by describing
72 the anticipated funding expenditures for each year, over the next 5 years (FY 2024- 2028). A motion was made for
73 approval, and a roll call vote took place.

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

74

75 f) Request for Approval to Terminate Contract with Harmon, Barnett, & Morris, P.C. Effective June 30,
76 2022, 11:59 pm and Approval of Sole Source Contract with Harmon, Barnett, & Morris, P.C. Effective July
77 1, 2022, 12:00am. – Ortega, Bowens. Mr. Ortega stated that as the Authority ramps up with easement
78 acquisition work, there has been concerns posed that the Authority might go beyond the \$60,000.00 threshold for
79 professional services with Harmon, Barnett, & Morris P.C. as allowed in the New Mexico Procurement Code. The
80 Authority conducted the sole source procurement which included posting a sole source notice on the New Mexico
81 Sunshine Portal and on the Authority's, website notifying the public and potential interested parties. The protest
82 period for a Sole Source Procurement is 15 days which expired on June 8th and the notice will continue to stay
83 posted in both locations until June 24th of 2022. The ENMWUA did not receive any protests on the sole source
84 request. Ms. Bowens explained that to meet purchasing guidelines and the Authority's best practices, only one
85 contract with the same vendor should be open at a time in for billing and tracking purposes. The Authority plans to
86 give notice of termination to Harmon, Barnett, and Morris PC for the January 2022 through December 2022 contract
87 that was limited to \$60,000.00 a year, then issue a new contract with the term period beginning July 1, 2022 ending
88 June 30, 2023, under the new sole source procurement. This is to ensure that there are no overlapping contracts
89 for tracking and billing purposes. 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

90 g) Recommendation for Approval of Amendment #10 of the 2020 Engineering Services Contract with
91 CH2m/Jacobs Engineering for Work involving Task Orders 15 through 21 for Work Encompassing all
92 Aspects of the Remaining ENMRWS Project in the amount of \$71,380,032.95 exclusive of NMGRT,
93 \$77,001,210.55 with NMGRT pending Approval of Federal, and/or State, and/or ENMWUA Membership
94 Funds, and pending approval by the NMED-CPB. – Ortega. Mr. Ortega explained to the ENMWUA Board that
95 Jacobs Engineering Amendment #10 to the 2020 Engineering Services Contract includes elements of engineering
96 work that needs to begin this year in order to advance the Authority’s five-year plan in a timely manner. Amendment
97 #10 will also demonstrate to funding agencies that the Authority is prepared to receive more funding. This
98 Amendment was presented to the Finance Committee. The Committee has reviewed, discussed, and recommended
99 to present this Amendment to the full Board. Mr. Ortega stated that Amendment #10 will engage every aspect of
100 the remaining ENMRWS project in one way or another, however Amendment 10 does not involve all scopes of work
101 that will be needed to complete the project. The Authority will need another future Amendment or Amendments
102 depending on incoming funding to engage in construction for some of the remaining pipelines phases, water
103 treatment plant, and other remaining projects. Mr. Honea with Jacobs Engineering presented Amendment #10 in
104 detail to the Board. The added task orders that were presented are as follows: Task order 15 – Field Investigation
105 for the remaining project phases, Task order 16 – Easement/Land Acquisition Services, Task Order 17 – Pipeline
106 Design, Task Order 18 – Pump Station/Tank Design, Task Order 19 – Water Treatment Plant & Aqueous Ammonia
107 Design, Task Order 20 – Services During Construction of RW3 and Texico, Task Order 21 – Special Services,
108 Permitting, Construction Management, Project Management. A motion was made for approval, and a roll call vote
109 took place.

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

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

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

112 a) FW2 and Intake Facility Operations & Maintenance Quarterly Report – Tharp
113 FW2- Mr. Tharp notified the Board that currently FW2 pipeline is in good working order. He stated that over the
114 last couple of weeks the FW2 valves have been opened to allow water to flow from the FW2 pipeline into the FW3A
115 pipeline for testing of the FW3A pipeline. Mr. Tharp had no other issues to report.
116 Intake Facility- Mr. Tharp stated that in the month of June he visited the Intake Site at Ute Reservoir. While at the
117 site Mr. Tharp worked towards improving the erosions issues. He notified the Board of an issue with one valve.

118 b) Project Development Activities -Jacobs/Smithco

119 FW3A- Mr. Honea explained that 100% of 20" PVC has been completed, 95% of the fiber conduit has been
120 completed and 100% of the ductile iron pipe (DIP) has been installed. Mr. Honea notified the Board that the
121 isolation valve vault slab floor has been completed and Smithco is working towards forming the walls. The CARV
122 concrete forms and blowoff vaults are on site and will be placed over the next couple of weeks. Mr. Sanders from
123 Smithco Construction went into details regarding the upcoming schedule. He explained that Smithco will be
124 working on completing land restoration and vaults. Mr. Sanders stated that Smithco has passed the initial leak
125 test for the FW3A pipeline as of June 23, 2022.

126 FW1- Currently Jacobs is in coordination with the ENMWUA on the RFP process that began on June 15, 2022. The
127 RFP due date has been extended one month to ensure compliance with US Federal Build America Buy American
128 (BABA) requirements.

129 c) Ute Reservoir USGS Report- Bowens. Currently the Ute Reservoir storage in ac/ft as of May 23, 2022, was
130 136,500 ac/ft and reported as of June 23, 2022, was 135,000 ac/ft. Ms. Bowens explained that there was a 1,500
131 ac/ft dropped from May to June of 2022. The reported water surface elevation in acre feet as of May 23, 2022, was
132 3,776.36 ft and as of June 23, 2022, was 3,776.09 ft. Ms. Bowens explained that there was a 3.24 inch dropped from
133 May to June 2022.

134 d) State Activities- Thompson. Mr. Thompson stated that he was able to attend the New Mexico Legislative
135 Finance Committee (NMLFC) meeting in Gallup. Mr. Thompson stated that the NMLFC was interested in reaching
136 out to the Chairman because there is interest in using the ENMRWS project as an example of how to scale other
137 project across the state. Mr. Thompson alerted the Board that he has set up several meetings with Mr. Ortega and
138 stakeholders in Santa Fe for the month of July.

139 e) Federal Activities- Ryan. Mr. Ryan explained the US House Appropriations Energy and Water Subcommittee
140 marked up the appropriations bill at the end of June. The report is not fully released yet, but it has been revealed
141 that an additional \$54 million above the administration request for rural water projects was approved. In August
142 the U.S. Senate will have their chance to mark up the appropriations bill. Mr. Ryan stated that the numbers are not
143 definitive at this point.

144 f) Report from the Chair- Morris. Chairman Morris attended the Water Task Force that the NM State Engineering
145 put together. During the meeting the task force started talking about different type of studies that need to be
146 completed so communities can evaluate what their community water availability is and from what sources that are
147 available to them. Chairman Morris stated that the Clovis City Commission has approved the introduction of an
148 ordinance that would lead to the City of Clovis committing to put an injection of \$15 million into the ENMRWS
149 project in the early on phases of construction.

150 g) Report from the Administrator- Ortega. Mr. Ortega stated that the Authority has submitted the ENMRWS
151 Completion Grant Agreement request to the U.S. Bureau of Reclamation on May 12, 2022. Mr. Ortega stated that
152 the new grant agreement titled the ENMRWS Completion will be the main basket for the incoming infrastructure
153 bill money. Mr. Ortega conveyed to the Board that the Authority submitted modifications to the existing FW1 and
154 FW3 grant agreements with USBR. These modifications are for budget adjustments to cover the cost increase shown
155 on the Overall Cost Estimate that was prepared by Jacobs Engineering. Mr. Ortega explained that during the NMFA
156 Board Meeting on June 23, 2022, the New Mexico Finance Authority approved the ENMWUA and City of Clovis'
157 Drinking Water State Revolving Loan Fund. Mr. Ortega conveyed the Authority is waiting for direction from the
158 NMED-CPB regarding SAP funding in the amount of \$30,000,000.

159 **11. Future Agenda Items**

160 a) Next Regular Meeting, Date, Time, and Location: Thursday, July 28, 2022, at 3:00 p.m. at the ENMWUA Office
161 (Sitterly Professional Center), 801 Pile St., Clovis, NM, 88101.

162 **12. Public Input**

163 No public input was given at this time.

164 **13. For the Good of the Order N/A**

165 **14. Adjournment**

166 Meeting adjourned officially at 4:58 PM.

167 X  _____

168 Michael A. Morris
169 Chairman
170

X  _____

Chris Bryant
Secretary