

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, June 24, 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 at 3:00 PM.

3 **2. Roll Call**

4 Roll was called, the following ENMWUA Board Members were in attendance in-person: Secretary Bryant,
5 Chairman Morris, Member Lucero, and Member Carter. Member Garza attending via video/phone, and Vice-
6 Chair Jackson, who arrived in person, both were present shortly after approval of the monthly financials.
7 Administrator Orlando Ortega and staff were also present, along with ENMWUA Attorney Kameron Barnett,
8 and Jim Honea with Jacobs Engineering. Members of the public that attended in person included K.C. Schooley
9 and Bonnie McCready.

10 **3. Approval of Agenda**

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

Result: Approved by Vote (4-0)

Motion:

Bryant

Second:

Carter

Ayes:

Nays:

12 **4. Approval of Minutes**

13 a.) A motion to approve the minutes from the regular Board Meeting held on Thursday, May 27th, 2021, at 3:00 pm
14 at the ENMWUA Office, and a roll call vote took place.

Result: Approved by Vote (4-0)

Motion:

Lucero

Second:

Bryant

Ayes:

Nays:

15 **5. Public Input**

16 Members of the public that were in attendance included Ms. Bonnie McCready and Ms. K.C. Schooley. They stated
17 the reason for joining the meeting was to learn more information about the Authority's project to construct the
18 pipeline.

19 **6. Monthly Financials**

20 a) Approval of Monthly Financials for the Month ending May 31st, 2021-Ortega. Mr. Ortega began with the
21 total revenues for the month ending May 31, 2021 in the amount of \$3,184.24. This amount includes the month of
22 April bank interest earned in the amount of \$1,738.83 and May interest earned in the amount of \$1,445.41. Total
23 expenditures for the month ending May 31, 2021 were at \$137,562.30. The reported balances of the ENNMWUA
24 bank accounts at The Citizens Bank were as followed: Business Checking account balance as of May 31, 2021 was
25 \$411,161.86, and reported as of June 24th, the current balance of the Business Checking account is \$137,908.35.
26 The balance of the Money Market account as of May 31, 2021 was \$3,488,321.13 and balance remained the same
27 on June 24th. The ENMWUA CD Account balance as of May 31, 2021 was \$2,517,530.62 and the same balance was
28 reported as of June 24th. The total balance of all Authority accounts as of May 31, 2021 was reported at
29 \$6,417,013.61. A motion was made for approval of monthly financials and a roll call vote took place. It was noted
30 after roll call vote took place on this agenda item Member Garza joined the meeting.

Result: Approved by Vote (4-0)

Motion:

Bryant

Second:

Carter

Ayes:

Nays:

31 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
32 Account #7101- Ortega. Mr. Ortega presented the monthly bank transfer request in the amount of \$220,000.00
33 from the ENMWUA Monkey Market account to the Business Checking account. This amount requested includes
34 the regular monthly expense as well as the fiscal year 2022 Insurance premiums that will be due beginning of July
35 2021. A motion was made for approval and a roll call vote took place. It was noted that after roll call vote took
36 place on this agenda item Vice-Chair Jackson joined the meeting in-person.

37

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Lucero

Ayes:

Nays:

38 **7. New Business Items**

39 a.) Adoption of ENMWUA Open Meetings Act Resolution 2021-01- Ortega. Resolution 2021-01 was brought
40 to the Board for approval. Mr. Ortega stated that this item is an annual requirement by New Mexico State Law
41 and is adopted annually by the Authority. The adoption of the Open Meetings Act Resolution shows the Authority's
42 commitment to continue to follow New Mexico state laws. This Resolution also reinforces the ENMWUA's pledge
43 to continue being transparent with all documentation. A motion was made for approval and a roll call vote took
44 place.

Result: Approved by Vote (6-0)

Motion:

Jackson

Second:

Lucero

Ayes:

Nays:

45

46 b.) Request for Approval of ENMWUA Regular Board Meeting Schedule for FY2022- July 2021-June 2022-
47 Ortega. Mr. Ortega stated that this item follows the Open Meetings Act that was just approved. He presented to
48 the Board the fiscal year 2022 Regular Board Meeting schedule with the dates of meetings beginning July 2021
49 through the end June of 2022. A motion was made for approval and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Garza

Ayes:

Nays:

50

51 c) Request for Approval of Resolution 2021-02 Approving the Execution and Delivery of a Water Project
52 Fund Loan/Grant Agreement (WPF-5093) by and between the New Mexico Finance Authority and the
53 ENMWUA. -Ortega, Barnett. Resolution 2021-02 was presented to the Board. This resolution will approve the
54 closing of loan/grant agreement WPF-5093. The total amount for this loan/grant agreement is \$5,792,829.00 with
55 10% of the loan amount being \$579,283.00 and 90% grant in the amount of \$5,213,546.00. The application for these
56 Water Trust Board funds was submitted in Sept. 24, 2019, and the award was announced on June 1, 2020. The
57 closing was delayed on this agreement due to the renewal of the engineering contract with Jacobs Engineering.
58 These funds are earmarked for FW3A pipeline construction. Along with approval of this resolution the Authority
59 will need resolutions from all member communities. A motion was made for approval and a roll call vote took place.

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

60

61 d) Request for Approval of Resolution 2021-03 Pledging Matching Funds for Finished Water 1 (FW1)
62 Pipeline Design, Easement Acquisition, and Construction Project for WTB WPF-5416.-Ortega.
63 Resolution 2021-03 is for the Water Trust Board "Readiness to Proceed" items as requested for WPF-5416. These
64 funds are earmarked for FW1 design, easement acquisition, and pipeline construction. Official notice of award was
65 received on June 1, 2021, and the amount of funds listed as pledge on the application was in the amount of
66 \$1,362,000.00. This resolution solidifies the pledged funds that will come from membership dollars as the match
67 for WPF-5416 as required by the Water Trust Board. It was discussed by the Board and agreed with Mr. Ortega that
68 a meeting with NMFA would need to take place with regarding the WPF-5416 award. A motion was made for
69 approval and a roll call vote took place.

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

70

71 e) Recommendation for Approval of Amendment #4 of the 2020 Engineer Services Contract with
72 Ch2M/Jacobs Engineering for the Development of 90 Percent Design of the RW3 Pipeline in the Amount
73 of \$3,614,790.66 over the course of FY2022 and FY2023. Contingent upon Approval by NMED-CPB.-
74 Ortega. Amendment #4 is for the 90% design for Raw Water 3. The FY2022 budget is for \$2 million. The scope of

75 work for the total phase includes 26 miles of 42 to 48-inch pipeline beginning at the proposed water treatment
76 plant and traveling North 26 miles to the edge of the caprock. The work for this amendment includes the
77 preparation of construction documents as well as drawings and specifications as well as environmental and
78 archeological investigation and easement acquisition. Mr. Honea informed the Board that currently there has
79 already been 30% design work completed and Jacobs will continue to a 60% design and then finally a 90% design.
80 Mr. Honea gave an in-depth presentation of Amendment #4. Mr. Ortega added that this amount was previously
81 approved by the Board with the preliminary budget. This Amendment will reflect over two fiscal years. A motion
82 was made for approval and roll call vote took place.

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

83

84 f) Recommendation/Action for Approval of Amendment #5 of the 2020 Engineering Services Contract with
85 Ch2M/Jacobs Engineering Involving General Engineering Services and Administrative Engineering Support
86 as Needed in the Amount of \$30,000.00 for FY2022.-Ortega. Amendment #5 was presented to the Board for
87 general engineering services, these services are not associated with a specific project assigned to a specific task
88 order. Other items that Jacobs Engineering assists with includes grant applications, specific studies the Board may
89 request have done and providing the Authority with mapping and additional documentation that is necessary for
90 reporting to other agencies. A motion was made for approval and roll call vote took place.

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

91

92 g) Request for Approval of Annual ENMWUA Insurance Coverage.-Ortega, Bowens. This item is for annual
93 approval of Authority insurance for fiscal year 2022. The insurance coverages that were presented included General
94 Liability, Public Officials, Excess Liability Coverage, Terrorism coverage, Auto Coverage and Worker's Compensation.
95 Ms. Bowens presented to the Board that this was a three-quote process for professional services under \$60,000.00
96 and the contract type is a one-year term beginning July 1st. This procurement meets all state statutes, internal
97 policies, and budgetary guidelines for this procurement. The changes that were presented included an increase of
98 overall premium cost from the previous year and an increase in deductibles. Mr. Ortega stated for the Authority to
99 keep the insurance costs down there was increase to the deductibles and this decision was made to stay under the

100 \$60,000.00 threshold necessary to keep within the procurement statutes. All options were looked at extensively
101 including the possibility of a 6-month term, but the overall cost of two 6-month terms was well over the \$60,000.00
102 limit. Total cost for the FY2022 insurance coverage presented is \$58,872.00. A motion was made for approval and
103 a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Jackson

Ayes:

Nays:

104

105 **2. Unfinished Business- N/A**

106 **3. Report from Board Members and Staff**

107 a) ENMRWS O&M Quarterly Report- Tharp

108 Jeff Tharp with I.T.S. Refrigeration gave an updated report on the FW2 pipeline route. He stated there was only one
109 incident to report and it was a broken lock found at the vault located near MLK Blvd. in Clovis. There was no notable
110 damage to the inside of the vault or other damage to report, along FW2. Mr. Tharp touched on the second
111 inspection that was conducted at the Intake Facility in Logan. It was reported that he adjusted the timers set for the
112 pumps, to shorten the length of time the pumps are running. Also stating that the weeds will continue to be
113 maintained. No other issues were reported.

114

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

116 FW3A- The pre-construction meeting on Monday the 21st which included Smithco Construction, Jacobs, the
117 ENMWUA, all utility companies, Curry and Roosevelt County Roads Dept., The Bureau of Reclamation as well as
118 NMED-CPB. It was a very productive meeting and Smithco has already been in touch with Jacobs Engineering
119 with RFI 's (request for information).

120 FW1- There are two legal descriptions that are being worked on and adjusted because of a future wind farm
121 powerline that affected the original planned alignment. There are a total of 23 properties identified that will
122 need to secure easements for. Currently there is one State Land property identified. Eleven of the properties
123 are now in the appraiser's court. Of the eleven properties Jacobs has reviewed four and are working on the
124 remaining appraisal reports to pass to the Authority for their review. With Jacobs and the ENMWUA reviewing
125 the appraisals there is also a requirement from the federal government that an independent review appraisal
126 be completed after the appraisal has been conducted, which is also currently taking place.

127

128 c) Ute Reservoir USGS Report- Ortega Mr. Ortega presented the Board the report of the elevation at Ute
129 Reservoir and acre/feet reported the Reservoir. The reported period was May 24, 2021, to June 24, 2021. There
130 was an increase of 11,400 acre /ft in the last month and currently the Reservoir storage sits at 144,500 ac/ft. The

131 total storage capacity of Ute Reservoir is 200,000 acre/ft. The reported elevation for the one-month period was an
132 increase of 24.6 inches.

133 d) State Activities- Thompson Mr. Thompson reported to the Board he is currently attending the New Mexico
134 Legislative Finance Committee Meeting in Ruidoso and reported that the NMLFC gave a report on the program
135 evaluation in which they issued a 60-page report which included all water projects across the state of New Mexico.
136 Mr. Thompson stated there was only one compliment on the entire report and it was a compliment to the
137 ENMWUA, Authority Board, and Mr. Ortega. Mr. Thompson also thanked the Board for those that could participate
138 with the call to State Engineer John D'Antonio, stating it was a very successful conversation.

139 d) Federal Activities- Ryan Mr. Ryan reported to the Board there are meetings in the works in D.C., but there are
140 some restrictions set up in Washington D.C. due to Covid-19. They are requiring a vaccine for travel and to enter
141 some of the facilities. Also, the City of Clovis has meetings scheduled around the same time for other obligations
142 but this could give a chance to meet with City of Clovis Board members and Administrator Ortega from the Authority
143 to conduct updates. Currently there are still no official dates or amounts to give an update on with the Rural Water
144 Funds, either as a unit or as individual funding earmarks.

145 e) Report from the Chair- Morris Chairman Morris mentioned that the City of Clovis has an application in to
146 State LEDA program to look at possibly getting water extended to the Airport. With the possibility to assist Texico
147 in the future.

148 f) Report from the Administrator- Ortega Mr. Ortega briefly touched on the preparation of the FW3A
149 Construction that will shortly be underway, stating the Authority is preparing a Groundbreaking for FW3A to be
150 held in Portales on August 12th, from 12-2 pm. Also reported updates on all ongoing progress with the current
151 projects: FW3B, FW1, and Texico Lateral. Mr. Ortega reminded the Board of the closing of loan/grant agreement
152 WPF-5093 that will be on July 30th. WPF-5416 readiness to process items will need to be ready and completed by
153 September 11th. Lastly Mr. Ortega reminded the Board of the upcoming Oaths of Office that will renew in July for
154 Member Lucero, Member Garza, and Chairman Morris. Lastly, Mr. Ortega added and update that of the five
155 authorized federal water projects, Dry Prairie is only \$14.2 million away from the federal obligation of funds for
156 their project. This gives the ENMWUA more of an opportunity for federal funding.

157 **4. Future Agenda Items**


158 a) Next Regular Meeting, Date, Time, and Location: July 15, 2021, at 3:00 p.m. at the ENMWUA Office (Sitterly
159 Professional Center) 801 Pile Street, Clovis, NM 88101.

160 **5. Public Input-N/A**

161 **6. For the Good of the Order N/A**

162 **7. Adjournment**

163 Meeting adjourned officially at 4:24 PM.

164 X  X 

165 Michael A. Morris
166 Chairman

Chris Bryant
Secretary