

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, August 26, 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 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, Vice- Chair Jackson, Member Lucero, and Member Carter. Member Garza joined via Teams
6 phone conferencing system, along with Administrator Orlando Ortega and ENMWUA Attorney, Kameron
7 Barnett. ENMWUA staff and Jim Honea with Jacobs Engineering were also present. Members of the public that
8 attended included Kevin Wilson with the Eastern New Mexico News.

9 **3. Approval of Agenda**

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

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

11 **4. Approval of Minutes**

12 a.) A motion to approve the minutes from the regular Board Meeting held on Thursday, July 15th, 2021, at 3:00 pm
13 at the ENMWUA Office, and a roll call vote took place.

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

Second:
Bryant

Ayes:5

Nays: 0

14

15 b) Minutes of the ENMWUA Special meeting on Thursday, July 29th, 2021, at 2:30 pm at the ENMWUA Offices. At
16 this time Vice-Chair Jackson joined the meeting, A motion was made for approval, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:
Bryant

Second:
Carter

Ayes:6

Nays: 0

17 **5. Public Input**

18 Members of the public that were in attendance was a staff member with the Eastern New Mexico News. No public
19 input was given.

20 **6. Monthly Financials**

21 a) Approval of Monthly Financials for the Month ending July 31, 2021 -Ortega. Mr. Ortega began with the
22 total revenues for the month ending July 31, 2021, in the amount of \$0.00. Total expenditures for the month ending
23 July 31, 2021, were at \$123,976.45. The reported balances of the ENNMWUA bank accounts at The Citizens Bank
24 were as followed: Business Checking account balance as of July 31, 2021, was \$578,262.75, and as of August 26th
25 the current balance of the Business Checking account is \$2,292,277.28. The balance of the Money Market account
26 as of July 31, 2021, was \$2,919,736.89 and balance as of August 26th, 2021, is \$4,090,000.13. The ENMWUA CD
27 account balance as of July 31, 2021, was reported at \$2,517,530.62 with the same balance as of August 26, 2021.
28 The CD is expected to mature on September 28th. The total balance of all Authority accounts as of July 31, 2021,
29 was reported at \$6,015,530.26. A motion was made for approval of monthly financials, and a roll call vote took
30 place.

Result: Approved by Vote (6-0)

Motion:
Jackson

Second:
Bryant

Ayes: 6

Nays: 0

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 \$210,000.00
33 from the ENMWUA Money Market account to the Business Checking account. A motion was made for approval,
34 and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Carter

Ayes: 6

Nays: 0

35 **7. New Business Items**

36 a.) Resolution 2021-06 Adoption of the FY2023-2027 Infrastructure Capital Improvement Plan (ICIP) –
37 Ortega, Bowens. Resolution 2021-06 was brought to the Board for approval. Mr. Ortega explained that the ICIP
38 is information from the Authority that includes project details, project timelines, and estimated funding costs. Mr.
39 Ortega went on to state that the ICIP mirrors the Authority's 5-year infrastructure plan and this year's ICIP
40 submission will contain two projects. Project one titled, ENMWUA Interim Pipeline Project and project two titled,
41 ENMWUA Raw Water Pipeline. Ms. Bowens provided a brief presentation of the FY 2023-2027 ICIP. Ms. Bowens
42 broke down the Infrastructure Capital Improvement Plan by fiscal year explaining the estimated amounts of each
43 year and the predicted cost categories. For project one ENMWUA Interim Ground water project, the estimated total
44 cost was as follows FY 2023- \$50,650,000, FY 2024- \$53,900,000, FY 2025- \$6,770,000, FY 2026- \$1,150,000, and FY
45 2027- \$45,070,000. For project two ENMWUA Raw Water Pipeline. This project will begin North of the proposed
46 water treatment plant and end at Ute Reservoir. The total estimated cost for FY 2023-2027 was \$137,349,456. Mr.
47 Ortega then explained that Adoption of Resolution 2021-06 will allow the Authority to submit the FY2023-2027 ICIP
48 plan to the Department of Finance and Administration. Due date for this submission is September 3, 2021. A motion
49 was made for approval, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Jackson

Ayes:6

Nays: 6

50

51

52 b.) Resolution 2021-07 Authorizing Submission of an Application for Funding to the New Mexico
53 Water Trust Board in FY2022. -Ortega, Bowens

54 Mr. Ortega stated that Resolution 2021-07 will authorize the ENMWUA Administration to submit an application to
55 the Water Trust Board for funding cycle 2022. Ms. Bowens explained that Resolution 2021-07, if adopted today will
56 be submitted as part of the 2022 WTB Application that is due October 8, 2021. The Notice of Intent and Letter of
57 Urgency were submitted to the Water Trust Board on August 12, 2021, as part of the application process. The
58 Authority will be applying for the maximum amount of funding for a total of \$7,155,000.00 for the 2022 WTB cycle.
59 The WTB funding application will be for the design and construction of FW1 and will meet USBR match. A motion
60 was made for approval, and a roll call vote took place.

61

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

62

63 c.) Recommendation for the Renewal of FW2 Operations and Maintenance Services to include the
64 Intake Facility Operations and Maintenance between the ENMWUA and I.T.S. Refrigeration &
65 Heating, Inc. Term Ending August 31, 2022. – Ortega, Bowens.

66 Ms. Bowens explained that the contract with
67 I.T.S. Refrigeration & Heating Inc. is being presented to the Board for renewal. The ENMWUA original procurement
68 with I.T.S., was a 3-quote process for services over \$20,000.00 but under \$60,000.00. Ms. Bowens stated that the
69 proposed changes to the contract include combining the FW2 and Cannon Lateral contract with the Intake Facility
70 Amendment One contract. This would create one complete contract for both tasks with a term date to begin on
71 September 1, 2021, and end August 31, 2022. A motion was made for approval, and a roll call vote took place.

71

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

72

73 d.) Recommendation for Adoption of Updated Purchasing Policies and Procedures Manual. – Ortega,
74 Bowens.

75 Mr. Ortega informed the Board that the Authority Administration has reviewed and updated the
76 Purchasing Policies and Procedures Manual. Mr. Ortega notified the Board that it is the Administration's practice to
77 review and update this policy on a yearly basis. Ms. Bowens explained that following proposed changes. Beginning
78 in section one, the ENMWUA does not issue vendor numbers out, so this item was removed. On the Purchase
Orders, the Authority replaced commodity codes with general ledger codes for accounting purposes. In section 6,

79 the inventory policy was updated. The Authority completes an inventory list at the end of each fiscal year and this
80 list contains only items of \$500.00 or more in value. The proposed changes in section 7 included an update to the
81 sole source and emergency purchases policy to meet state standards. In section 9, the ENMWUA added a clause
82 stating that a Request for Proposal will need a CPO determination letter, if the Administration and Authority Board
83 decides that the bid process is not adequate for purchasing procedure. Ms. Bowens explained that in order to meet
84 State Statute 13-1-104, regarding public notices, the Authority proposed to change the policy to post Notice of Bid
85 in only one newspaper in the state of New Mexico instead of the current policy of requiring to post in three New
86 Mexico newspapers. The next proposed change in section 9 is to update the bid and RFP numbering formulation
87 for the year section which will now be a four-character number instead of a two-character number. The last change
88 to section 9 is that the Authority added in the BidNet Direct information. It was explained that the ENMUWA uses
89 the BidNet Direct site to post the Authority's bids and RFPs. The final proposed change to this purchasing and
90 policies manual was in section 11. In this section it was added that ENMWUA Administrator, would be acting as the
91 Authority's Contract Administrator. This was a practice that the Authority already had in place but now it will be in
92 effect as a standard policy. A motion was made for approval, and a roll call vote took place.
93

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

94

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

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

97 a) Project Development Activities -Jacobs- (Jim Honea)

98 FW3 A- Mr. Honea stated that Smithco plans to start clearing and grubbing by September 13, 2021 and plans on
99 starting the pipe installation on September 20th. As of the Board meeting on August 26th, Smithco has had all the
100 PVC pipe delivered on site, which is a little over 60,000 feet of pipe. It was mentioned that currently the ductile pipe
101 is still being manufactured. Mr. Honea explained that construction fencing installation is ongoing. Jacobs and
102 Smithco have continued with submittals and request for information processes. It was noted that Smithco has
103 submitted on average 7 to 10 submittals or RFIs a week and Jacobs is processing them as fast as they can.

104 FW1- Mr. Honea notified the Board of the continuing work with the easement acquisition process. Currently Jacobs
105 has 7 properties which have completed appraisals. 4 properties that are being reviewed by a secondary appraiser
106 (Commercial Appraisal), and 11 properties where the appraiser (Steve Rogers Co.) has performed field inspection
107 and is developing appraisal report. Lastly, 1 property that has been identified as state land is in the application
108 process with the New Mexico State Land Office and is pending direction to if an appraisal will be required.

109 RW3- Mr. Honea explained that Jacobs is in the right-of-entry phase for the RW3 project. Field work for planning
110 (survey, geotechnical, corrosion) has tentatively been planned to start in October depending on right-of-entry.

111 FW3B- Mr. Honea described the right-of-entry phase for the FW3B project. Right now, the field work for planning
112 (survey, geotechnical, corrosion) has tentatively been planned to start in October as well depending on completion
113 of the right-of-entry phase.
114

115 b) Ute Reservoir USGS Report- Bowens Ute Reservoir storage in ac/ft as of July 26, 2021, was 158,600 ac/ft and
116 currently as of August 26, 2021, the storage was recorded at 155,000 ac/ft. Ms. Bowens explained that there was a
117 drop of 3,600 ac/ft from July 26, 2021, to August 26, 2021. Ute Reservoir water surface elevation in feet as of July
118 26, 2021, was 3780.13 feet and as of August 26, 2021, was 3779.54 feet. Ms. Bowens explained that there was a
119 0.059 ft, or 7.08 inch dropped from July 26, 2021, to August 26, 2021.

120 c) State Activities- Thompson Mr. Thompson reported to the Board that he is currently working with the State
121 Lands Office regarding easement acquisition issues and is planning to schedule a meeting with the Commissioner
122 or Deputy Commissioner of the NMSLO.

123 d) Federal Activities- Ryan Mr. Ryan reported to the Board that the bipartisan infrastructure bill of 1 trillion dollars
124 for Rural Water has to be voted on by September 27th by the House. He stated there was another 3 ½ trillion-dollar
125 infrastructure bill that will come down right behind the 1 trillion-dollar bill. This bill does not have a line item
126 specifically for Rural Water included at this time. Both bills will be watched as changes are voted on and each bill
127 passes through the subcommittees. Mr. Ryan explained to the Board that the Administrations' regular appropriation
128 had 72 million dollars as a line item for Rural Water projects which is about half of last years' allocation. This would
129 mean there would be about 7 million dollars for the ENMWUA. The House's Energy and Water Subcommittee took
130 the Administrations' 72-million-dollar appropriation and added 55 million dollars to that line item. Once the bill
131 reached the Senate's Subcommittee, it was stated that Senator Hendrick, who sits on that Subcommittee added 25
132 million dollars specifically for the ENMRWS. The Appropriation Bill still has yet to go through the House for a voted
133 approval.

134 e) Report from the Chair- Morris Chairman thanked the staff and Vice-Chair Jackson for hosting the
135 Groundbreaking Ceremony.

136 f) Report from the Administrator- Ortega Mr. Ortega updated the Board that Water Trust Board loan-grant
137 agreement for WPF-5093 is now closed. These funds are now available for expenditures. Mr. Ortega explained that
138 the Authority is working on a drawdown schedule for our WTB funds to ensure the policy deadline for expenditures
139 are met. The Board was updated briefly on Water Trust Board loan-grant, WPF-5416. It was stated that during the
140 Water Trust Board meeting on August 26, 2021, the Board approved to change the funding structure of the
141 ENMWUA's loan/grant agreement from a 40% loan and 60% grant structure to a 10% loan and 90% grant. The
142 NMFA has assigned an attorney to close out loan/grant agreement for WPF-5416. The projected date of closure is
143 the end of December 2021. Mr. Ortega stated he is hoping that we have a Finished Water 1 bid package together
144 and out for bid by the end of 2021.

145

146 **10. Future Agenda Items**

147 a) Next Regular Meeting, Date, Time, and Location: September 23rd, 2021, at 3:00 p.m. at the ENMWUA Office
148 (Sitterly Professional Center) 801 Pile Street, Clovis, NM 88101.

149 **11. Public Input-N/A**

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

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154 **13. Adjournment**

155 Meeting adjourned officially at 4:18 PM.

156 X  _____

157 Michael A. Morris

158 Chairman

159

X  _____

Chris Bryant

Secretary