

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Tuesday, September 21, 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, and Member Lucero. Member Garza joined via Teams phone conferencing system. ENMWUA
6 Administrator Orlando Ortega, staff, Attorney Kameron Barnett, and Jim Honea with Jacobs Engineering were
7 also present. Members of the public that attended in person included Kevin with KZBZ-CD.

8 **3. Approval of Agenda**

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

Result: Approved by Vote (4-0)

Motion:

Lucero

Second:

Bryant

Ayes:4

Nays:0

10 **4. Approval of Minutes**

11 a.) There was a motion to approve the minutes from the regular Board Meeting held on Thursday, August 26, 2021,
12 at 3:00 p.m. at the ENMWUA Office, and a roll call vote took place. Vice-Chair Jackson joins via Teams at 3:01 p.m.

Result: Approved by Vote (4-0)

Motion:

Bryant

Second:

Lucero

Ayes: 4

Nays: 0

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14 **5. Public Input**

15 Members of the public that were in attendance was a staff member with KZBZ-CD. No public input was given.
16 Member Carter joined in-person at 3:09 p.m.

17 **6. Monthly Financials**

18 a) Approval of Monthly Financials for the Month ending August 31, 2021 -Ortega. Mr. Ortega stated the
19 total revenues for the month ending August 31, 2021, in the amount of \$3,146,283.60. Mr. Ortega informed the
20 Board that the increase in revenues for the month of August includes City of Clovis' fiscal year 2022 membership
21 contribution and USBR funds that were applied to Smithco Construction for Pay App #1. Total expenditures for the
22 month ending August 31, 2021, were at \$205,766.52. The reported balances of the ENNMWUA bank accounts at
23 The Citizens Bank were as followed: Business Checking account balance as of August 31, 2021, was \$2,501,077.28,
24 and reported as of September 21, 2021, the current balance of the Business Checking account is \$2,690,942.40. The
25 balance of the Money Market account as of August 31, 2021, was \$3,881,451.46 and balance as of September 21,
26 2021, is \$4,384,854.46. The ENMWUA CD Account balance as of August 31, 2021, was \$2,517,530.62 and the same
27 balance was reported as of September 21, 2021 and is expected to renew as of September 28, 2021. The total
28 balance of all Authority accounts as of August 31, 2021, was reported at \$8,900,059.36. A motion was made for
29 approval of monthly financials, and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Bryant

Second:

Lucero

Ayes: 6

Nays: 0

30 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
31 Account #7101- Ortega. Mr. Ortega presented the monthly bank transfer request in the amount of \$260,000.00
32 from the ENMWUA Money Market account to the Business Checking account. A motion was made for approval,
33 and a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Garza

Second:

Carter

Ayes: 6

Nays: 0

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36 c) Consideration of Approval for Renewal of ENMWUA Certificate of Deposit for a Six-Month Term
37 Beginning September 29, 2021.- Ortega Mr. Ortega explained that the ENMWUA's CD with Citizens Bank of
38 Clovis matures on September 28, 2021. Ms. Marez described four (4) renewal options for the board to act on.
39 Options one is a renewal with the Citizens Bank of Clovis at a 0.60% rate for six-months term. Option two was with
40 the Citizens Bank of Clovis at a 0.70% rate for a one-year term. Option three was to move the CD to US Bank at a
41 0.05% rate for a six-month term. Option four was to move the CD to The Bank of Clovis at 0.30% rate for a six-month
42 term. A motion was made for approval of staying at The Citizens Bank of Clovis with a 0.60% rate for 6 months, and
43 a roll call vote took place.

Result: Approved by Vote (6-0)

Motion:

Carter

Second:

Bryant

Ayes: 6

Nays: 0

44 **7. New Business Items**

45 a.) Request for Approval of Grant Agreement between the ENMWUA and the United States Bureau of
46 Reclamation, Grant Agreement #R21AC10443, Titled ENMRWS FW1 in the Amount of \$61,886,378.47. -
47 Ortega. Grant Agreement #R21AC10443 was brought to the Board for approval. The USBR Grant Manger John
48 Irizarry joined via Teams meeting. This agreement once approved allows the USBR to apply funding to this grant
49 agreement. The amount of funding for the FW1 grant agreement is 75% of the total estimated cost for project FW1
50 this includes design, easement acquisition and construction. Mr. Ortega stated that the Authority submitted an
51 estimated cost for FW1 at \$61,886,378.47. The USBR 75% total is \$46,414,783.85 and the Non-Federal portion is
52 \$15,471,594.62. Mr. Ortega pointed out some items of significance within the grant agreement that should be
53 noted. First item was the project period is a 5-year term and if needed the Authority can request an extension.
54 Second item which is under the remarks section of the grant agreement it states the funding represented in Box 11
55 only represents the non-Federal portion and the obligated Federal amount of \$1,500,000.00. The third item of
56 significance was under section five (5) of the agreement which was an update to the scope of work and milestones.
57 These changes reflected necessary adjustments to the timeline due to the increase of the term limit. The changes
58 under section five (5) have broadened the language within the scope of work as to align the Authority with the
59 original Federal authorization. Fourth item pointed out under section 7.4 of the grant agreement states that the
60 Authority is allowed to claim pre-award cost beginning November 31, 2014. The last point of significance that Mr.
61 Ortega recognized was under section 10 *Reporting Requirements and Distribution*, Mr. Ortega indicated that the
62 first report is due September 30, 2021. Mr. Irizarry who represents the USBR stated that the Bureau was happy to

63 continue working with the ENMWUA and he looks forward to our partnership. A motion was made for approval,
64 and a roll call vote took place.

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

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67 b.) Request for Approval of Easement Agreements with Cassidy Quade Carpenter and the ENMWUA for
68 FW1 Pipeline Phase. -Ortega
69 Parcel 1 203 011 396 396 00. (Parcel QQ) Mr. Ortega stated that these easements are a temporary and
70 permanent easement on the FW1 pipeline project. The property owners have accepted the easements and have
71 signed both agreements. A motion was made for approval, and a roll call vote took place.
72

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

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75 c.) Request for Approval of Easement Agreements with Gerry L. Shaw and the ENMWUA for FW1 Pipeline
76 Phase. -Ortega
77 Parcel 1 204 014 132 198 00. (Parcel GG) Mr. Ortega stated that these easements are a temporary and
78 permanent easement on the FW1 pipeline project. The property owners have accepted the easements and have
79 signed both agreements. A motion was made for approval, and a roll call vote took place.
80

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

81 d.) Request for Approval of Easement Agreements with Rodney C. Perkins & Marietta Perkins and the
82 ENMWUA for FW1 Pipeline Phase. -Ortega
83 Parcel 1 204 016 269 132 00. (Parcel CC) Mr. Ortega stated that these easements are a temporary and
84 permanent easement on the FW1 pipeline project. The property owners have accepted the easements and have
85 signed both agreements. A motion was made for approval, and a roll call vote took place.
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|----------------|------------------------|
| Result: | Approved by Vote (6-0) |
| Motion: | |
| Garza | |
| Second: | |
| Carter | |
| Ayes:6 | |
| Nays: 0 | |

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

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

90 a) FW2 and Intake Facility Operations & Maintenance Quarterly Report – Tharp

91 FW2 - Mr. Tharp reported that the Finished Water 2 pipeline is in good working condition. During the last quarter
92 Mr. Tharp reported that he completed the inspections on all valves within the vaults, air vacs, blow off vaults. During
93 the month of September Mr. Tharp accompanied the cathodic protection inspector throughout the route of
94 Finished Water 2 and Cannon Lateral. The focus of the last quarter was weed control and maintenance.

95 Intake Facility- Mr. Tharp reported that he completed the hydro-burst on one side of the intake facility per the O&M
96 Manual. Mr. Tharp stated he check all the valves at the Intake Facility. Mr. Tharp inspected the circulating pumps,
97 and both are operational. Mr. Tharp stated the main point of focus at this time was killing and maintaining the
98 weeds. Future item of services will be to the compressor. Mr. Tharp believes we are about 150-200 hours away
99 from the compressor needing a service checkup. The only items Mr. Tharp stated he is unable to check currently is
100 the winch system.
101

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

103 FW3 A- Mr. Honea stated that Smithco plans to start clearing and grubbing by September 22, 2021 and plans on
104 starting the pipe installation by September 27, 2021. A pre-installation QC/QA meeting will be held on September
105 23rd. The ductile pipeline is still being manufactured and should be on site within the next couple of weeks. Mr.
106 Honea explained that construction fencing is being installed and potholing is currently being completed. Mr. Honea
107 notified the Board that Smithco is having issues finding bedding material which could cause some delays. Jacobs
108 and Smithco have continued with submittal and request for information process.

109 FW1- Mr. Honea notified the board that Jacobs is continuing with the easement acquisition process currently Jacobs
110 has 11 properties which has completed appraisals, 12 properties that are in being reviewed by a secondary
111 appraiser (Commercial Appraisal), and lastly 1 Property a State Land Office property that is still pending direction
112 has to if an appraisal will be required.

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

115 FW3 B- Mr. Honea described that Jacobs is in the right of entry phase of the FW3 B project. Field work plan (survey,
116 geotechnical, corrosion) has tentatively been planned to start in October depending on completion of the right of
117 entry phase.

118
119 c) Ute Reservoir USGS Report- Bowens Ute Reservoir storage in ac/ft as of August 21, 2021, was 155,700 ac/ft
120 and as of September 21, 2021, was 153,000 ac/ft. Ms. Bowens explained that there was a 2,700 ac/ft dropped from
121 August 21, 2021, to September 21, 2021. Ute Reservoir water surface elevation in feet as of August 21, 2021, was
122 3,779.66 ft and as of September 21, 2021, was 3,779.22 ft. Ms. Bowens explained that there was a 0.44 ft or 5.28
123 inch dropped from August 21, 2021, to September 21, 2021.

124 d) State Activities- Thompson N/A

125 e) Federal Activities- Ryan Mr. Ryan reported to the Board that the bipartisan infrastructure bill of 1 trillion dollars
126 will be voted on September 27th by the House. Mr. Ryan informed the Board that all items pertaining to this bill are
127 still pending and Mr. Ryan will give an update as soon as available.

128 f) Report from the Chair- Morris N/A

129 g) Report from the Administrator- Ortega Mr. Ortega updated the Board on the Authority's activities of the
130 month of September. On WPF-5416, the Authority is pending a close-out update from NMFA Attorney Richard
131 Virtue. The 2022 WTB application is due October 8. The Authority will be applying for the maximum allow amount
132 of \$7,155,000.00 which will be applied to project FW1 or a combination of FW1 and RW3. Mr. Ortega stated that
133 the Authority is in contact with property owners as all the various projects progress. Mr. Ortega expressed that he
134 would like to have a Texico Lateral meeting to discuss a counter proposal. Once the final alignment option is chosen,
135 Jacobs Engineering will be able to complete a technical memo that will be submitted to the NMED-CPB and the
136 USBR for their approval. Mr. Ortega thanked the Board for their approval of the FW1 grant agreement R21AC10443.

137 **10. Future Agenda Items**

138 a) Next Regular Meeting, Date, Time, and Location: Thursday, October 28, 2021, at 3:00 p.m. at the
139 Portales Memorial Building, Portales, NM 88130.

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

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

142 **13. Adjournment**

143 Meeting adjourned officially at 4:27 PM.

144 X  _____

145 Michael A. Morris
146 Chairman

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X  _____

Chris Bryant
Secretary