

## ENMWUA Regular Board Meeting

DATE: Thursday, October 22<sup>nd</sup>, 2020  
LOCATION: Portales Memorial Building  
200 E. 7<sup>th</sup> Street, Portales, NM 88130

**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 Chairman Lansford at 3:09 PM

3 **2. Roll Call**

4 Roll was called. The following ENMWUA Board Members were in attendance: Secretary Bryant,  
5 Chairman Lansford, Vice-Chair Jackson, Member Lucero, and Member Dixon were present. Member  
6 Garza was present via phone.

7 **3. Approval of Agenda**

8 Agenda was amended with the deletion of agenda item e and moving items f & g to the top of the  
9 agenda. A motion to approve the agenda as amended was made.

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

10 **4. Approval of Minutes**

11 a.) A motion to approve the minutes from the special board meeting held on Monday, September 14<sup>th</sup>,  
12 2020 at 3:00 pm at the ENMWUA Office.

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

13

14 b.) A motion to approve the minutes from the regular board meeting held on Tuesday, September 22<sup>nd</sup>,  
15 2020 at 3:00 pm at the ENMWUA Office.

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

16

17 **5. Public Input**

18 Chairman Lansford addressed anyone on the phone participating to state their name for the record. The  
19 following members of the public were present via phone; Chet Spear, Blake Prather, and Peter Nichols.

20 **6. Monthly Financials**

21 a) Approval of Monthly Financials for the Month ending September 30<sup>th</sup>, 2020-Ortega. Revenues for the  
22 month ending September 30<sup>th</sup>, 2020 were \$41.71, this was interest earned from the ENMUWA bank  
23 account. Expenditures for the month ending September 30<sup>th</sup>, 2020 were at \$78,966.53. Mr. Ortega  
24 addressed the Board if they had any questions regarding the financials. Hearing no questions, a motion  
25 was made to approve the monthly financials.

**Result:** Approved by Vote (6-0)  
**Motion:**  
**Bryant**

**Second:**

**Lucero**

**Ayes:**

**Nays:**

26 **7. New Business Items**

27 a.) Request for Approval of Expenditures for Legal and Educational Consultation Services Related to  
28 Development of Land Trust Structures involving the REPI Program and Ground Water Acquisition for the  
29 ENMWUA with Costs not to exceed \$2,000.00. -Lansford Chairman Lansford addressed the Board about  
30 acquiring the services of Mr. Peter Nichols in the efforts of conserving water in the Paleo Channel within  
31 the Ogallala Aquifer. He stated he has previous experience in working with Mr. Nichols and his vast  
32 knowledge in water conservation, conservation easements, and land trusts. The Board discussed  
33 bringing in Mr. Nichols in to give an overview and a presentation of what his work would involve and to  
34 help educate the Board. Chairman Lansford suggested that the Authority would need to budget a  
35 significant amount for the work and time involving this process. The Board had some discussion and  
36 there was a consensus to invite Mr. Nichols to give an informational presentation that would not exceed  
37 the \$2,000.00 as listed on the agenda item. The Board agreed to hold further discussion to determine  
38 need to continue work with Mr. Nichols after the educational presentation. Mr. Nichols was present on  
39 the phone and gave a brief overview of his work and experience. A motion was made to approve the  
40 agenda item as listed.

**Result:** Approved by Vote (6-0)

**Motion:**

**Garza**

**Second:**

**Jackson**

**Ayes:**

**Nays:**

41

42 b.) Consideration of a Letter of Support by the ENMWUA for the REPI/RCPG Grant Applications. -Lansford  
43 Chairman Lansford discussed with the Board providing a letter of support for the REPI grant application  
44 as well as the RCPG grant application. He discussed how both applications could assist the Authority in  
45 obtaining ground water in the interim. Mr. Ortega discussed with the Board the potential involvement  
46 of the Authority with both applications and suggested that further discussion with all involved in this  
47 process would be beneficial. A motion was made to approve a letter to be drafted and executed by the  
48 Authority for both the REPI and RCPG grant applications.

**Result:** Approved by Vote (6-0)

**Motion:**  
Lucero

**Second:**  
Bryant

**Ayes:**

**Nays:**

49

50 c) Request for Approval of Offer and Easement Agreements with Dean and Gina DeGroot and the  
51 ENMWUA for FW3 Pipeline Phase. - Ortega Mr. Ortega presented the easement agreements for Dean  
52 and Gina DeGroot. Their property is located in Roosevelt County within the route of the FW3A pipeline.  
53 The property owners have accepted the easement purchase offer and have signed the agreements. The  
54 recommendation to the Board was for approval. A motion for approval was made.

**Result:** Approved by Vote (5-0)

**Motion:**  
Jackson

**Second:**  
Bryant

**Ayes:**

**Nays:**

55

56 d.) Recommendation/Action for Approval of Amendment #2 of the 2020 Engineering Services Contract  
57 with Ch2M/Jacobs Transition of Continued Easement Acquisition for FW3 Pipeline under the 2010  
58 Engineering Services Agreement. Contingent upon Approval by NMED-CPB. -Ortega Mr. Ortega  
59 presented to the Board Amendment 2 of the 2020 Engineering Services Agreement. This Amendment is  
60 for the transition from the 2010 Engineering Services Agreement to the 2020 Jacobs Engineering Services  
61 Agreement the FW3 easement acquisition scope of work for FW3A only and funding amount. This scope  
62 of work is for the continuation of the FW3 Pipeline easement acquisition, known as Task Order 3. The  
63 recommendation was made for Board Approval.

**Result:** Approved by Vote (5-0)

**Motion:**  
Bryant

**Second:**

**Dixon**

**Ayes:**

**Nays:**

64

65 e.) Recommendation/Action for Approval of Amendment #3 of the 2020 Engineering Services Contract  
66 with Ch2M/Jacobs Involving Transition of Services during Construction for FW2 Pipeline under the 2010  
67 Engineering Services Agreement. Contingent upon Approval by NMED- CPB. -Ortega Mr. Ortega  
68 presented Amendment 3 to the Board. This amendment is for the transition of FW2, Services During  
69 Construction from the 2010 Jacobs Engineering Services contract to the 2020 Jacobs Engineering Services  
70 contract. Mr. Ortega explained to the Board that although the Authority is nearing the end of final  
71 completion of the FW2 project it is necessary to carryover these services through the warranty period  
72 of one year from substantial completion. This item is known as Task Order 5, and is for continued FW2  
73 and Cannon Lateral Services During Construction. The recommendation was made for Board Approval.

**Result:** Approved by Vote (5-0)

**Motion:**

**Jackson**

**Second:**

**Bryant**

**Ayes:**

**Nays:**

74

75 f.) Request for Approval to Transfer ENMWUA Bank Account to the Citizens Bank of Clovis. -Ortega This  
76 agenda item is regarding the Authority's bank account. The ENMWUA has identified a program at The  
77 Citizens Bank of Clovis that will allow the Authority's bank funds to earn more interest. Currently the  
78 Authority earns on average \$35.00 per month in interest, at the current bank. With the new program  
79 the Authority would average about \$1,800.00 in interest over a monthly period. Mr. Ortega and staff  
80 have reviewed the current program in comparison with the proposed program and makes a  
81 recommendation to the Board to move the accounts in the best interest of the Authority.

**Result:** Approved by Vote (5-0)

**Motion:**

**Dixon**

**Second:**

**Bryant**

**Ayes:**

**Nays:**

82

## 83 **8. Unfinished Business**

84 a) Update on Renewal of Ute Reservoir Water Contract- Jackson, Barnett Mr. Barnett addressed the  
85 Board with a quick update. The ICS meeting previously scheduled for the month of October has been  
86 cancelled. The next scheduled meeting date in November is when we are hoping to receive renewal of  
87 the Ute Reservoir Water Contract. If we do not receive approval at that meeting, we will have another  
88 and final chance at the December ISC meeting. Mr. Barnett stated he has not received any concerns for  
89 changes on the contract, however there was one comment made regarding the rate price. Mr. Ortega  
90 informed the Board he had received an email from both Jonathan Martinez, ICS Attorney and  
91 reconfirming what Mr. Barnett updated the Board with.

## 92 **9. Report from Board Members and Staff**

93 a) Project Development Activities -Jacobs-(Jim Honea) Mr. Honea gave an update that a final walk  
94 through took place this morning that included Mr. Ortega and Ms. Bowens with the Authority, as well as  
95 himself and the FW2 Operations and Maintenance contractor, Jeff Tharp. Seeding for FW2 has been  
96 completed and we are waiting on Oscar Renda's submittals for final items to reach Final Completion. We  
97 have scheduled right now early December as a timeline to deliver construction drawings/specs for FW3A  
98 and for ENMWUA and Stakeholder review. Bidding is scheduled to start around February 2021 with  
99 NMED-CPB approval, and construction would begin May 2021. FW1 update as of right now, the  
100 horizontal alignment has been finalized and right-of-entries are completed for the necessary properties.  
101 We are progressing with construction drawings/specs updates. Upcoming schedule for FW1: surveys and  
102 environmental scheduled to be complete by the end of November. Delivery of drawings/spec to be  
103 reviewed by the ENMWUA and NMED-CPB is scheduled for mid-February 2021. Delivery of cost estimate  
104 review document to the ENMWUA and stakeholders scheduled for mid-March 2021. A kick-off workshop  
105 took place for the Texico Alignment Study on October 7<sup>th</sup>. A scoring-criteria was conducted at the  
106 workshop that includes the community impact, constructability, as well as operations/maintenance,  
107 easement agreements, and environmental/permitting.

108 b) ISC Report-Stall Mr. Stall was absent, Mr. Ortega gave a quick update to the Board. He informed the  
109 Board that the EWNMUA staff recently made a trip on Oct. 6<sup>th</sup> to the Intake Facility to connect the  
110 security cameras to the internet that was installed and to conduct a brief site inspection with the  
111 operations and maintenance contractor, Rex Stall. The Authority staff set up the security system once  
112 the cameras were connected to the internet. The Intake Facility remains in good working condition.

113 There is minor remaining electrical work that is expected to be complete in the next month or so with  
114 the electrician to replace a connector on one of the recirculating pumps.

115 c) State Activities- Mr. Joe Thompson with Thompson Consulting, LLC Mr. Thompson mentioned to the  
116 Board that Lt. Governor Morales would like to schedule a visit to come and tour the Intake Facility,  
117 sometime after the general election. Mr. Thompson will be working on setting that visit up with Mr.  
118 Ortega. Mr. Thompson also expressed that he would like to set up an in-person meeting in Santa Fe for  
119 a new member that was appointed to the Legislative Finance Committee.

120 d) Federal Activities- John Ryan Mr. Ryan spoke about following the Continuing Resolution for the  
121 regular Appropriations Bill that will end on December 11<sup>th</sup> of this year. Mr. Ryan has maintained direct  
122 contact with the congressional delegation and explained that he is continuing to research and follow the  
123 COVID Infrastructure Stimulus Bill.

124 e) Report from the Chair- Lansford Chairman Lansford stated that most of what he wanted to report  
125 was addressed during agenda items a & b. He reiterated that his hope is for the Authority to not miss  
126 the opportunity to be a part of the REPI and RCPP applications

127 f) Report from the Administrator-Ortega Mr. Ortega updated the Board of the past month's progress.  
128 The Authority is wrapping up the FW2 construction, reaching closer to final completion. We have  
129 continued to work on completing FW3A easement acquisition. The Texico Lateral Alignment Study was  
130 productive to all parties involved and the Authority has begun to move forward. Working with the  
131 Engineers to complete the 90% design work for the FW1 project has been ongoing. Mr. Ortega asked  
132 Jacquelynn Bowens, CPO to briefly speak about the update to the search for a funding source for the  
133 Texico Lateral. Ms. Bowens stated that she continued to stay in contact with the Drinking Water State  
134 Revolving Fund and as of now, the ENMWUA is working on providing the list of requirements including  
135 a supplemental document list. Mr. Ortega and Ms. Bowens added that all grant quarterly reporting due  
136 at the end of the month had been submitted early and it is the goal of the Authority is to submit all grant  
137 reporting 10 days prior to any due dates.

138

## 139 **10. Future Agenda Items**

140 a) Next Regular Meeting, Location, Date, and Time: November 19<sup>th</sup>, 2020 at 3:00 p.m. at Elida Village  
141 Hall, located at 704 State St., Elida, NM 88116

## 142 **11. Public Input-N/A**

## 143 **12. For the Good of the Order N/A**

## 144 **13. Executive Session††**

145 **\*\*\*Executive Session\*\*\*** † Motion: to move into executive session to discuss acquisition of real estate  
146 10-15-1 H(8), NMSA 1978 of the New Mexico Open Meetings Act and attorney-client privilege pertaining  
147 to threatened or pending litigation in which the public body is or may become a participant 10-15-1 H(7),

148 NMSA 1978 of the New Mexico Open Meetings Act. The motion was made, all were in favor, Executive  
149 Session began.

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

150

151 \*\*Motion was made by Secretary Bryant and seconded by Member Dixon to move back into open  
152 session, noting that nothing was discussed other than acquisition of real estate and attorney-client  
153 privilege pertaining to threatened or pending litigation in which the public body is or may become a  
154 participant.\*\*

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

155

156 **14. Adjournment**

157 Meeting adjourned officially at 5:02 PM.

158 X 

159 David Lansford  
160 Chairman

X 

Chris Bryant  
Secretary