

ENMWUA Regular Board Meeting

DATE: Thursday, June 25th, 2020

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 Vice-Chair Jackson at 3:01 PM

3 **2. Roll Call**

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

7

8 **3. Approval of Agenda**

9 A motion to approve the Agenda was made.

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

10

11 **4. Approval of Minutes**

12 A motion to approve the minutes from the regular meeting held on Thursday, May 28th, 2020 at
13 3:00 pm at the ENMWUA Office.

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

14 **5. Public Input**

15 Following the Office of the Attorney General’s Open Government Division to advise all public entities
16 subject to the Open Meetings Act to ensure compliance, Roll Call was established for all listening into
17 the meetings and participating.

18 Those present via Phone Conference Call- Member Juan Garza, Member Durward Dixon, John Ryan
19 with Capitol Consultants, Jim Honea with Jacobs Engineering, Richard Primrose, Chairman of the Ute
20 Water Commission, and Brad Sodwell with Cob-Stanley in Albuquerque.

21 Those present in person- Vice-Chair Ronald Jackson, Secretary Chris Bryant, Member Jim Lucero,
22 Kameron Barnett, ENMWUA Attorney, ENMWUA Administrator Orlando Ortega, ENMWUA Chief
23 Procurement Officer Jacquelynn Bowens, ENMWUA Office Manager Haleigh Marez, Kevin Wilson
24 with the Eastern New Mexico News, Joe Thompson with Thompson Consulting, and Max Carter,
25 Council Member for the City of Texico.

26 **6. Monthly Financials**

27 a) Approval of Monthly Financials for the Month ending May 31st, 2020-Ortega

28 Revenues for the month ending May 31st, 2020 were \$1,904,878.06. This amount of funds that
29 entered the ENMWUA bank account were USBR funds deposited in the amount of \$927,043.55 for
30 Pay App 15. Mr. Ortega also addressed a deposit listed on May 2020 statement of revenues,
31 expenditures, and changes in fund balance. The deposit was in the amount of \$977,791.88 that
32 deposit actually occurred at the end of January 2020. This deposit was overlooked by our accountants
33 Hinkle & Landers, and in order for their books to balance they listed the deposit on May’s 2020
34 balance sheet. The ENMWUA had this deposit documented accurately when it occurred in January

35 and recorded in our budget and our records. Expenditures for the month ending May 31st were at
36 \$2,124,242.31, however, deducting the balance error of \$977,791.88, the actual expenditures for
37 the month, totaled \$1,146,450.43. Our bank account balance as of May 31st, 2020 was at
38 \$4,954,351.07 and the balance as of today June 25th, 2020 is \$4,558,950.38. We continue to have
39 \$2.5 million of ENMWUA funds in a CD located at Citizen's Bank.

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

40

41 **7. New Business Items**

42 a) Adoption of ENMWUA Open Meetings Act Resolution 2020-02-Ortega

43 Mr. Ortega presented to the Board the adoption of the Open Meetings Act as an annual requirement
44 by state law. It demonstrates that the Authority is committed to complying with the Open Meetings
45 Act and strives to be transparent with its business.

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

46

47 b) Request for Approval of ENMWUA Board Meeting Schedule for FY2021- July 2020 through June
48 2021. The Board was presented with the Fiscal Year 2021 schedule of Monthly Board Meetings.

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

Bryant

Second:

Dixon

Ayes:

Nays:

49

50 c) Request for Approval of Offer and Easement Agreement with Brenda Diane Barnett Richey joined
51 Pro-Forma by Leonard Richey and ENMWUA for FW3 Pipeline Phase-Ortega Presented to the board
52 is the Richey property KK, located in Roosevelt County. This easement agreement has been signed
53 and accepted by the property owners and recommendation is made to the board for approval for
54 this offer and agreement with the Richey's.

Result: Approved by Vote (5-0)

Motion:

Garza

Second:

Bryant

Ayes:

Nays:

55

56 d) Request for Approval of Offer and Easement Agreement with Jim D. Hileman and Glenda K.
57 Hileman and ENMWUA for FW3 Pipeline Phase- Ortega. This is another easement agreement for a
58 property located in the FW3 pipeline phase. This property S is in Curry County. Agreements have
59 been signed and accepted by the property owners. A recommendation was made to the board for
60 approval for this offer and agreement with the Hileman's.

Result: Approved by Vote (5-0)

Motion:

Lucero

Second:

Garza

Ayes:

Nays:

61 e) Adoption of Resolution 2020-03 Pledging Matching Funds for Finished Water Three A (FW3A)
62 Pipeline Construction Project for WTB WPF-5093- Ortega. Mr. Ortega presented the Board with
63 Resolution 2020-03, the pledge of matching funds for this Water Trust Board Application is a
64 necessary step in the Readiness to Proceed items for securing these Water Trust Board Funds. The
65 minimum match amount is \$1 million which is the requirement of the application and we listed a
66 maximum amount of up to \$13,381,894.00 in non-state matching funds, this includes our Federal
67 award and our local membership dollars.

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

68

69 f) Request for Approval of Annual ENMWUA Insurance Coverage Renewal, Western States Insurance
70 Group, Inc. Clovis Insurance Center- Ortega Mr. Ortega presented to the Board the renewal of annual
71 insurance coverages with Western States Insurance. All insurance renewal items fit within budget for
72 the Authority and these coverages have been reviewed by the Finance Committee for discussion and
73 recommendation to the Board. A representative for Western States Insurance, Sarah Stagner did give
74 a presentation to our Finance Committee and she did discuss the increase of the public officials
75 policy. The reason for the policy increase is because of the significant increase of revenues the
76 Authority has brought in.

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

77

78 g) Discussion on Establishing a Ground Water Development Committee.-Lansford

79 A motion was made to table this agenda item.

Result: Approved by Vote (5-0)

Motion:
Jackson

Second:
Bryant

Ayes:

Nays:

80

81 **8. Unfinished Business**

82 a) Renewal of Ute Reservoir Water Contract- Lansford, Jackson, Ortega. Mr. Ortega addressed the
83 board that this item is placed on our agenda to serve as a reminder that the Ute Water Contract is
84 due for renewal at the end of the calendar year. Mr. Primrose was on the phone, made a comment
85 that the Ute Water Commission is trying to schedule the meeting with the State Engineer's Office.
86 Mr. Ortega congratulated Mr. Primrose on being voted Chairman of the Ute Water Commission and
87 Mr. Jackson as being voted as Vice-Chair on the Ute Water Commission.

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

89 a) Project Development Activities -Jacobs/Oscar Renda-(Jim) Mr. Honea went over the past month's
90 work. All of the FW2 pipeline has successfully completed hydrostatic testing. Construction teams are
91 continuing to work on site clean-up and restoration. Cathodic protection installation continues, these
92 are the test stations throughout the pipeline that protect the ductile iron piping as well as the 33-in
93 steel pipe from corrosion. We are getting close to completing disinfection of the pipeline; this
94 includes flushing the pipeline to get the high concentration of the chlorine levels reduced. They are
95 working on demobilization of the staging area and clean up of equipment.

96 b) ISC Report-Stall Absent

97 c) State Activities- Mr. Joe Thompson with Thompson Consulting, LLC Mr. Thompson was called in
98 to the meeting. He gave an update to the Board that the special session had just ended, and the
99 results of this special session has not yet affected the Authority's funding. There was concern going
100 into the special session that there could be a sweep of capital funding that would affect the Authority.

101 d) Federal Activities- John Ryan Mr. Ryan was called into the meeting, he updated the Board on a
102 phone conference with the Office of Management and Budget that went well for the Authority.
103 Another discussion that had occurred is the opportunity to put in place the water projects that would
104 include the ENMWUA in an economic stimulus package, although they are looking at water projects
105 they haven't been added the rural water projects, but that could change in the future.

106 e) Report from the Chair- Lansford Mayor Lansford absent.

107 f) Report from the Administrator-Ortega Mr. Ortega asked if the Board Members had any questions
108 for him regarding the Administrator's report that he sent out. He informed the Board that the
109 Authority is coming to a close on the construction of the FW2 project. The project will carry over into
110 the new fiscal year but is within the budget. We will make a budget adjustment as needed to carry
111 over to the new fiscal year. We continue to work on securing the FW3 Easements. We continue to
112 work on the developing a new engineering contract. Ms. Bowens gave a quick update regarding the
113 engineering contract. We went for solicitation for a sole source contract with Jacobs engineering.
114 This request was placed on the sunshine portal and have since been procured for this sole source
115 contract. We are able now to move forward with this engineering contract for review by all parties
116 and for negotiations. We received the Readiness to Proceed items from the New Mexico Finance
117 Authority for the WPF-5093 Grant/Loan and have to submit items by September 30th, 2020. There
118 are nine items that need to be completed including providing a draw-down schedule, verification of
119 project match, verification of all right-of-way and easements, and submit an updated project and
120 budget description.

121 **10. Future Agenda Items**

122 a) Next Regular Meeting, Location, Date, and Time: July 23, 2020 at 3:00 p.m. at the ENMWUA
123 Meeting Room (Sitterly Professional Center). Located at 801 Pile Street in Clovis, NM.

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

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

126 **13. Executive Session**

127 ***Motion to move into Executive Session to discuss acquisition of real estate 10-15-1 H(8), NMSA
128 1978 of the New Mexico Open Meetings Act and Attorney-client privilege pertaining to threatened
129 or pending litigation in which the public body is or may become a participant 10-15-1 H(7), NMSA
130 1978 of the New Mexico Open Meetings Act. The motion was made by, all were in favor, executive
131 session started at 4:07PM.

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

132

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

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

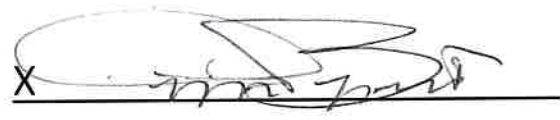
136

137 **14. Adjournment**

138 Meeting Adjourned officially at 4:25PM

139 X 

140 David Lansford
141 Chairman

X 

Chris Bryant
Secretary