

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Thursday, January 23rd, 2020

LOCATION: ENMWUA Office (Sitterly Professional Center)
801 Pile Street, Clovis, NM 88101

1. Call to order

The meeting was called to order by Chairman Lansford at 3:01 PM

2. Roll Call

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

3. Approval of Agenda

A motion to approve the Agenda was made;

Result: Approved by Vote (Unanimous)

Motion:
Bryant

Second:
Garza

Ayes:

Nays:

4. Approval of Minutes

A motion to approve the minutes from the regular meeting at the ENMWUA Office (Sitterly Professional Center) on December 19, 2019;

Result: Approved by Vote (Unanimous)

Motion:
Jackson

Second:
Thornton

Ayes:

Nays:

14 **5. Public Input N/A**

15 **6. Monthly Financials**

16 a) Approval of the Monthly Financials for the Month ending December 31, 2019. Mr. Ortega
17 started with a recap of the Monthly Financials. The Board is given the monthly statement of
18 Revenues, Expenditures and changes in Fund Balance along with the Profit and Loss Budget report
19 and FW2 Construction Budget ending December 31, 2019. Revenues for the month ending
20 December 19, 2019 are \$47,833.33. The revenues that were collected were the 2020 Membership
21 of Curry County in the amount of \$ 29,284.00 The Town of Melrose 2020 Membership was in the
22 amount of \$18,303.00. Expenditures for the month ending December 31, 2019 are \$133,851.07.
23 The ENMWUA bank balance as of December 31, 2019 was \$5,759,444.26 and the balance as of
24 today is \$ 5,652,584.34.

Result: Approved by a Vote 6 in favor none opposed

Motion:
Lucero

Second:
Bryant

Ayes:

Nays:

25

26 **7. New Business**

27 a) Request for Approval of Offer and Easement Agreement with Adrian Acuna Parcel # 1 000 000 001
28 331 99 and ENMWUA for FW3 Phase. Mr. Ortega stated that the Authority has spoken to Mr. Acuna
29 and he has agreed to the terms of the easements. Total amount for the Permanent Easement
30 Agreement and the Temporary Construction Easement is \$ 1,850.00.

31

Result: Approved by a Vote 6 in favor none opposed

Motion:

Garza

Second:

Bryant

Ayes:

Nays:

32

33 b) Request for Approval of Offer and Easement Agreement with Curry County Parcel # 1 203 010 496
34 355 00 and ENMWUA for FW3 Phase. Mr. Ortega stated that the ENMWUA has met with Curry County
35 and they have agreed to the terms of the Permanent Easement Agreement and the Temporary
36 Construction Easement. The Total amount for this parcel is \$ 800.00.

Result: Approved by a Vote 6 in favor none opposed

Motion:

Garza

Second:

Jackson

Ayes:

Nays:

37

38 Chairman Lansford introduced the newest hire to the ENMWUA staff, Jacquelynn Bowens in the
39 position of Support Services Officer. She will be dealing with Procurement, Grant Management and
40 Grant Reporting. She started in her position on January 6th, 2020. She will be working for us part time.

41 c) Consideration/Action for Approval of Annual Contract with Thompson Consulting, LLC -Mr. Ortega
42 addressed the Board in regards to this contract, it is for state activities consulting, it has been
43 reviewed by the Contractor Joe Thompson along with Authority staff and the ENMWUA Attorney. The
44 contract complies with the state statute 13-1-125 subsection B states that the Authority has the right
45 to award a contract for professional services having a value that does not exceed sixty thousand
46 dollars annually excluding applicable taxes. Mr. Ortega stated that Jacquelynn Bowens did a great job
47 jumping in and doing the research to confirm that the ENMWUA is in compliance. Chairman Lansford
48 briefly stated that Mr. Thompson has done an outstanding job this past year. He has been contracted
49 with the Authority since 2007. This will be his 13th year with the ENMWUA.

Result: Approved by a Vote 6 in favor none opposed

Motion:
Bryant

Second:
Lucero

Ayes:

Nays:

50

51 d) Consideration/ Action for Approval of Annual Contract with Harmon, Barnett, & Morris, P.C.- Mr.
52 Ortega stated that this contract also complies with the state statute 13-1-125 subsection B. This
53 contract has been reviewed by ENMWUA staff and Mr. Barnett. We see that this contract meets the
54 requirements for this award. This contract began last July 2019 as it was transitioned from our former
55 legal counsel Mr. Richards to Harmon, Barnett and Morris. The contract itself stated it was a six-month
56 contract, which is why it is before the Board today.

Result: Approved by a Vote 6 in favor none opposed

Motion:
Jackson

Second:
Garza

Ayes:

Nays:

57

58 e) Consideration/Action for Approval of Annual Contract with Capitol Consultants, LLC- Mr. Ortega
59 stated that this contract the same as the prior two, this contract complies with the state statute 13-1-
60 125 subsection B. This contraction has been reviewed by the ENMWUA staff and Mr. Ryan. The
61 Chairman stated that this was another long-term relationship that this Authority has with a
62 contractor. Mr. Ryan was hired at the same time Mr. Thompson was, and there is no one better to
63 help as at the federal level than Mr. Ryan.

64

Result: Approved by a Vote 6 in favor none opposed

Motion:
Garza

Second:
Bryant

Ayes:

Nays:

65

66 f) Consideration/Action for Approval for Annual Contract with MJR Maintenance for Operation and
67 Maintenance of the ENMWUA Intake Facility. -Mr. Ortega, this contract has been reviewed by the
68 ENMWUA administrator, ENMWUA staff, and our attorney. This contract is different, as in varies in
69 dollars but does comply with the state statute 13-1-125 subsection C which states that the Authority
70 can procure services not exceeding twenty thousand dollars excluding applicable taxes directing by
71 issuing a purchase order to the contractor based upon receiving the best obtainable price.

Result: Approved by a Vote 6 in favor none opposed

Motion:
Jackson

Second:
Garza

Ayes:

Nays:

72

73 g) Approval of Sitterly Professional Center Business Premises Lease Amendment -Mr. Ortega stated
74 that since the hiring of the Support Services Officer, there was a need to find a place for another desk
75 which did not fit in the space of our current office. This contract comes before the Board for your
76 consideration. Included in the amount of the contract are all the items listed on Exhibit A, includes all
77 the utilities, internet and so listed. What we want to do is amend the current contract which is for 2
78 years and add the additional costs. Mr. Ortega stated he did present this to the ENMWUA Attorney
79 who reviewed. This is presented to the Board for their consideration.

80 Member Lucero asked what the increase was on the amendment for the lease agreement. Mr. Ortega
81 stated in the contract it would be an increase of \$400.00 per month for the lease on the additional
82 space, bringing the new total due every month to \$1,185.00.

Result: Approved by a Vote 6 in favor none opposed

Motion:
Jackson

Second:

Garza

Ayes:

Nays:

83

84 **8. Unfinished Business N/A**

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

86 **a) Project Development Activities -Jacobs Engineering-(Wendy Christofferson)** A
87 recap of the last month, the team has done some fiber optic handhold install, some vault work at
88 some of the air vacs and pipe work throughout, some test station finalization, and also some site
89 cleanup. They are also working on wrapping up submittals and RFI paperwork that they are
90 sending to us. All of the 33-inch and the 16-inch pipe have been installed. The major work
91 remaining is the vault work and the blow-off work. Discussing some photos with the Board
92 Members, all of the walls on every single vault have been installed. The Cannon Turnout Vault will
93 deliver water to CAFB through 16-inch. The picture of the Main Junction Vault at the corner of
94 CAFB Housing. When the water treatment plant is online or when groundwater is serving the
95 community, this vault picture shows water can be coming through the pipe and the distributed
96 one direction towards Clovis/CAFB and in the other direction towards Portales. Along the pipeline
97 there are test stations since the pipeline is contiguous, they are there to make sure the pipeline is
98 grounded so that in the future if you have work to be done in the vault as an operator you don't go
99 down there and shock yourself. At each of the test stations and at each of the vaults there is a
100 grounding system.

101 **Oscar Renda Construction (Chris Bitsilly)-** Mr. Bitsilly discussed the look ahead schedule
102 for the next 3 weeks. For the week of 1-20-2020 we have two crews and basically down to a labor
103 force of about 12 people. We've reduced the number of workers needed to finish this project.
104 Right now, were are working plumbing installation inside the vaults. What is lacking now are the
105 roofs/ decks, which will be complete as soon as all the plumbing is complete in the vaults before
106 the deck can be placed on top. Carrier pipe has been placed crossing any sewer lines and under
107 highways as well. For the week of 1-27-2020 the crews will be working on the plumbing
108 installation, also working on the blow-offs. Working on the rebar for the decks as well. Week of
109 the 2-3-2020 this is when the crews will be getting closer to completing all of the concrete work
110 and it will be down to placing the roofs on these bigger deck like the Cannon Lateral Vault, Main
111 Junction Vault. Crews will continue to tie rebar and work on decks. Preparation for disinfection
112 and flushing and hydrostatic testing. Mr. Bitsilly said they are working closely with EPCOR as far as
113 providing water for this testing. They have been meeting with us weekly. We just received notice

to proceed with this testing as well as the permits required. Notice of intent was approved by the Environmental Department. First, we will be flushing the line, putting water in the line, then a pressure test and disinfect and flush as well. Letting water out of the pipeline and Mr. Ortega has been in contact with the Property owners in the area to make them aware of what's coming up. Ms. Christofferson stated that they are shooting for the end of February to fill the pipe and do the hydrostatic testing.

8. b.) ISC Report-Stall Mr. Stall was called into the meeting. He discussed getting the end of the calendar year ISC Report and January's report for February's meeting. The water is 9.08 feet below the spillway currently and there is 156,400 acre/feet current storage in the reservoir. There is little to no inflow to speak of.

8. c.) State Activities- Mr. Joe Thompson with Thompson Consulting, LLC Mr. Thompson was called into the meeting and he discussed the meeting from the previous day with Governor Lujan-Grisham, the State Engineer and our New Mexico Delegation and with the ENMWUA was the best meeting he has been involved in is 13 years involved with the ENMWUA. Senators Woods, and Representative Crowder stepped up for us and State Engineer De'Antonio spoke on our behalf as well. The House and Senate bills are an amendment to the ENMWUA Statute to allow withdrawal of membership to Melrose, Grady, and Curry County. Because it is a short Legislative session for those bills to be pushed to the business of the short session they require an Executive message and we have an Executive message on both the bills. In visiting with the Legislators I think they really like the fact that we are wanting a 6-member board.

8. d.) Federal Activities- Mr. John Ryan with Capitol Consulting, LLC Mr. Ryan was called into the meeting. He stated we were still in a period of waiting with regards to the Bureau of Reclamation FY2020 funding. They did pass their bill and it was signed by the President. We are anticipating a \$132 million dollar allocation to the rural water program. That's the most this program has ever received. We are expected for the BOR to allocate that funding to the different rural water projects. There has been a lot of advocacy with regard to the Bureau of Reclamation and Office of Management and Budget encouraging them to contribute to our project, in large part because of our non-federal dollars, local dollars from City of Clovis. A note came back from the Bureau Budget Director Bob Wolfe and said in the next ten days they will have the work plan that will show the distribution of the \$132 million, based on their various priorities and criteria.

8. e) Report from the Chair- Lansford Chairman Lansford added that the Ute Water Commission did meet last week and discussed the fact that the Ute Water Commission contract with the Interstate Stream Commission for the water reservation is up for renewal this year by the end of December 2020. It was an informational meeting discussing what actions would need to be taken. We're hoping to have a meeting with the Interstate Stream Commission Executive Director to find out what their expectations are for the renewal of the contract. Right now, we are paying a \$1.50 per acre foot reservation fee for the last 10 years per member. It is \$25.00 per acre foot to purchase the water.

Chairman Lansford would like to see that stay the same and renew the contract for another 10 or 20 years at the same price. As far as the allocation of the available water is yet to be determined based on the members of the JPA are moving forward.

9. f) Report from the Administrator-Ortega Mr. Ortega addressed the board going over his monthly report that was submitted to the Board. Our office is actively involved in securing FW3 easements in preparation for construction of the project. As far as the closing of WPF-4817 there is a slight adjustment that needs to be made with regard to the federal match. In our Water Trust Board application that we submitted they require a minimum of matching funds; you can match more funds if you want or can which can help more in the consideration of the award, In this particular application we pledged \$1.5 million of federal dollars and \$1 million of local membership dollars. Serval months back the board passed a resolution stating \$2.5 million in non-state match towards this Water Trust Board Grant Loan Application WPF-4817. The intention was put in the language non state funds, meaning it could be local and/or federal dollars. The attorney for the New Mexico Finance Authority has a reservation about this because in the application it clearly states \$1.5 million of federal funds. In order to close on this loan, we don't have proof of that \$1.5 million yet, because that hasn't been distributed yet from the federal government. As the Administrator we would rather not have these applications overlap much, we are ready to close on this grant loan agreement. With that said a conference call was conducted with ENMWUA, our attorney Mr. Barnett, and the attorney for the New Mexico Finance Authority to come to an agreement on how to move forward. It could be that we get an announcement in the next ten days but even at that the official document from the Bureau of Reclamation stating our allocation may not come for another 30-45 days. That document is what we need to present as part of the loan closing. We also discussed another option which is another resolution for the Board to consider stating that the Authority would cover that \$1.5 million of federal dollars that was pledged, in another way in case the federal government did allocate those funds to the ENMWUA. There is no urgency in closing this as far as an exact date. These dollars are set for construction only and may not even be used until the fall or even spring of 2021. If this resolution would be passed by the board and it stated that the ENMWUA would cover the \$1.5 million, when the federal funding is allocated then the ENMWUA would be able to recoup that funding. The board decided to wait to on the resolution and wait for the federal funding allocation. It was discussed to add it as a future agenda item for the next meeting.

10. Future Agenda Items

a) Next Regular Meeting, Location, Date, and Time : February 27th, 2020 at 3:00 p.m. at the ENMWUA Office (Sitterly Professional Center). Located at 801 Pile Street in Clovis, NM.

11. Public Input-N/A

12. For the Good of the Order- N/A

13. Executive Session- Motion to move into executive session to discuss acquisition of real estate 10-15-1 H(8) NMSA 1978 of the New Mexico Open Meetings Act and attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant 10-15-1 H(7) NMSA 1978 of the New Mexico Open Meetings Act. The motion was seconded by Member Garza, all were in favor, executive session started at 4:06PM.

Result: Approved by a unanimous vote
Motion:
Bryant
Second:
Garza
Ayes:
Nays:

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

Result: Approved by a unanimous vote
Motion:
Bryant
Second:
Garza
Ayes:
Nays:

14. Adjournment- Meeting officially adjourned at 4:35PM.

X David M. Lansford X Robert E. Thornton

David Lansford
Chairman

Robert Thornton
Secretary