

## ENMWUA Regular Board Meeting

DATE: Tuesday, January 30, 2024

LOCATION: New Mexico Municipal League Board Room, 1229 Paseo De Peralta, Santa Fe NM, 87501

1 **1. Call to Order**

2 The meeting was called to order at 10: 00 am

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4 **2. Oath of Office for ENMWUA Members**

5 a) One Member for the City of Portales

6 o Eldon Merrick

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8 **3. Roll Call**

9 Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris, Vice-  
10 Chair Lucero, Secretary Bryant, Member Garza, and Member Merrick. ENMWUA Administrator Orlando Ortega  
11 and staff as well as ENMWUA Attorney Kameron Barnett, Jim Honea and Wendy Christofferson with Jacobs  
12 Engineering, Joe Thompson with Thompson Consulting and John Ryan with Capitol Consultants. Members of  
13 the public that attended: Jack Chatfield New Mexico State Representative (District 67), Durward Dixon - Elida  
14 Mayor, Mike Rackler – Portales City Councilman (Ward D), Rustin Self – Portales City Councilman (Ward B),  
15 Michael Planterly – Thompson Consulting, LLC, A.J. Forty – Director of New Mexico Municipal League, Andrea  
16 Reeb – State Representative, Greg Neibert – Senate District 27, and Bianca Gutierrez.

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18 **4. Approval of Agenda**

19 A motion to adopt the agenda was unanimously approved.

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

**Ayes:** 5

**Nays:** 0

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21 **5. Approval of Minutes**

22 a) The Board unanimously approved the minutes from the Regular Board Meeting held on Tuesday,  
23 January 30, 2024, at 10:00 am at the New Mexico Municipal League (Board Room), 1229 Paseo de Peralta,  
24 Santa Fe NM, 87501.

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

**Ayes:** 5

**Nays:** 0

## 27 **6. Public Input**

28 Chairman Morris addressed the public for any comments. Representative Andrea Reeb expressed her gratitude to  
 29 be able to attend the ENMWUA Board Meeting. Greg Neibert Senate District 27 shared he was happy to be present  
 30 at today's meeting. Jack Chatfield House District 67 stated he has worked closely with the Water Authority for about  
 31 20 years. Mr. Chatfield reported he helped clean up the water shed that provides the water for Ute Lake. A.J. Forty  
 32 Director of New Mexico Municipal League advised this session is about water. He explained that there are three  
 33 different Bills that are for running water. Mr. Forty shared the Water Trust Board Presentations this year and were  
 34 not the best as so many people applied. He further stated there are three Bills currently in the Senate totaling \$450  
 35 million dollars for just water projects. Mr. Forty reported he is very hopeful that everyone will receive a fair amount.  
 36 Chairman Morris expressed his condolences on the passing of Mayor and Vice-Chair Ron Jackson. Chairman Morris  
 37 stated that Vice-Chair Jackson served on the ENMWUA Board and served this Board well.

## 39 **7. Monthly Financials**

### 40 a) Approval of Monthly Financials for the Month ending December 31, 2023. – Ortega

41 Mr. Ortega reported total revenues for the month ending December 31, 2023, were in the amount of  
 42 \$1,943,170.72. Of that amount the Authority received revenue from State Funds for a total of  
 43 \$6,701,585.93 those included disbursement requests for SAP funds for Task Orders with Jacobs  
 44 Engineering. Interest earned for the month of December 2023 was \$1,363.47, expenditures reported for  
 45 the month of December 2023 were \$ 4,038,931.49. Bank account balances reported as of December 31,  
 46 2023, were as follows: ENMWUA business checking account had a balance of \$172,189.27, ENMWUA  
 47 Money Market account had a balance of \$2,038,249.73, Capital Construction account had a balance of  
 48 \$1,703,906.47, Restricted ENMRWS Infrastructure had a balance of \$200,000.00, Restricted Contribution  
 49 to Debt Service had a Balance of \$936,614.01, ENMWUA CD (6-month term) had a balance of  
 50 \$1,500,000.00, and ENMWUA CD (1-year term) had a balance of \$2,596,239.94. Reported as of January  
 51 29, 2024, ENMWUA business checking account had a current balance of \$118,711.63, Money Market  
 52 account had a balance of \$3,174,863.74, Capital Construction account has a current balance of  
 53 \$2,397,809.01, ENMWUA CD (6-month term) balance sits at \$1,500,000.00, and ENMWUA CD (1-year  
 54 term) balance is reported the same at \$2,596,239.94, and. The total balance of all Authority accounts as  
 55 of January 30, 2023, was reported at \$9,787,624.32. A motion was made for approval of the monthly  
 56 financials, and a roll call vote took place.

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

**Motion:**  
**Bryant**

**Second:**  
**Lucero**  
  
**Ayes: 5**  
  
**Nays: 0**

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b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking Account #7101. – Ortega

Mr. Ortega informed the Board Members at this time the Authority is requesting a monthly transfer in the amount of \$65,000.00.

A motion was made for approval, and a roll call vote took place.

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

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**8. New Business Items**

a) Appointment of ENMWUA Vice-Chair Position. – Morris

Chairman Morris shared that with the recent resignation of Vice-Chair Jackson from the Authority's Board, it is essential to appoint someone to the Vice-Chair position. He explained that he has had a discussion with Member Lucero in reference to the Vice-Chair position and feels that he would be a great candidate. Chairman Morris asked the Board Members if they any questions or comments. Secretary Bryant made a motion to appoint Jim Lucero as the Vice-Chairman of the Eastern New Mexico Water Utility Authority.

A motion was made for approval, and a roll call vote took place.

**Result:** Approved by Vote (4-0)  
  
**Motion:**  
**Bryant**  
  
**Second:**  
**Garza**  
  
**Ayes: 4**  
  
**Nays: Vice-Chair**  
**Lucero**  
**Abstained**

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b) Appointment of ENMWUA Committees. – Morris

Chairman Morris explained that the ENMWUA holds regular monthly Finance Committee & Development & Policy Committee Meetings which include the Chairman, Vice-Chairman, and Secretary. Chairman Morris recommended to the Board Members to appoint Vice-Chair Lucero to each of those committees. A motion was made for approval, and a roll call vote took place.

<b>Result:</b>	Approved by Vote (4-0)
<b>Motion:</b>	Bryant
<b>Second:</b>	Garza
<b>Ayes:</b>	4
<b>Nays:</b>	Vice-Chair Lucero
<b>Abstained:</b>	

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c) Recommendation for Approval of the Annual Review of the ENMWUA Easement Acquisition Plan. – Ortega, Barnett

Mr. Ortega informed the Board Members that this plan is up for its annual review, recommendations for adjustments, and adoption. He advised your Administrator, staff, easement acquisition team, and the Authority’s Attorney have reviewed and shared discussions on the policy. This item has also been before the Development & Policy Committee for review, discussion, and recommendation. Mr. Ortega stated the Administration has two items to recommend. The Authority would like to add an exhibit to the policy regarding easement crop and grazing loss, and method of compensation to the property owner. These exhibits are placed under the title of “Crop Loss Formula” Exhibit F and contain two pages. The first page of Exhibit F is titled “ENMWUA Crop Loss Compensation Method Summary”, and the second page of Exhibit F describes the Grazing Loss and Crop Method for Compensation. The second recommendation is an adjustment to the Easement Policy Statement. The Authority recommends the removal of the bullet point reading: “Where possible, the ENMUWA and its agents will relocate field activities to an alternative property if a Right of Entry is not signed by a property owner.” Mr. Ortega reported that this has proven to be very difficult for the ENMWUA and has resulted in delays in schedules, resources involving teams on the ground, and at a cost to the ENMWUA. Mr. Ortega then asked Attorney Kameron Barnett to provide further details. Mr. Barnett advised the Board members that he has reviewed the policy and believes it will be very beneficial to have a layout policy to determine crop loss. Member Merrick inquired on what exactly field activities relate to other than just the passage of the pipeline. Mr. Ortega asked Jim Honea with Jacobs Engineering to provide further details. Mr. Honea explained it starts with an initial survey of the alignment and then aerial flights for aerial survey portion. He shared they do geotechnical investigation where there is drilling into the ground to get soil samples. They also do cultural and biological surveys where crews walk the entire alignment looking for any potential cultural artifacts. A motion was made for approval, and a roll call vote took place.

<b>Result:</b>	Approved by Vote (-0)
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**Motion:**

**Lucero**

**Second:**

**Garza**

**Ayes: 5**

**Nays: 0**

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110 d) Request for Approval of Easement Agreements with Bella Terra, LLC, a New Mexico limited Liability  
111 Company and the ENMWUA for RW3 Pipeline Phase. – Ortega

112 Parcel No. 1 202 028 264 264 00 (Parcel RW3-BE)

113 Mr. Ortega stated this is the first time the ENMWUA has ever brought to the Board an easement  
114 agreement that has not been signed by the property owner. But the Authority feels confident that Mr.  
115 Palla, which is the property owner of this parcel will sign the easement agreements after the  
116 Memorandum of Agreement is prepared and his Attorney has had a chance to review it. Mr. Ortega asked  
117 ENMWUA Attorney Kameron Barnett to provide further details. Mr. Barnett advised that in all the  
118 discussions back and forth since the last Board meeting, it has not been about the easements itself but  
119 rather the process that goes on during the construction which he stated he felt was not best to incorporate  
120 those kinds of terms into the easement agreements. Mr. Barnett explained that it seems superfluous for  
121 something that's short term to be included in something that is in perpetuity. He shared that he suggested  
122 a memorandum of agreement to incorporate all the areas of concern. Which is why Mr. Barnett feels  
123 comfortable approving the easements today and then coming back to the Board Members next month to  
124 ask for approval of the Memorandum of Agreement. Member Merrick asked if progress would be impeded  
125 if these easement agreements are not approved at this meeting. Administrator Ortega shared that the  
126 Authority has a schedule with request for proposals and it must be demonstrated to the funding agencies  
127 that all easements are in place and have been signed prior to moving forward with the RFP process. He  
128 further explained that the easement agreements compensation is to be determined through an additional  
129 appraisal or by the court.

130 A motion was made for approval, and a roll call vote took place.

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

**Motion:**

**Garza**

**Second:**

**Bryant**

**Ayes: 5**

**Nays: 0**

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133 e) Request for Approval of Easement Agreements with Bella Terra, LLC, a New Mexico Limited Liability  
134 Company and the ENMWUA for RW3 Pipeline Phase. – Ortega

135 Parcel No. 1 203 033 254 198 00 (Parcel RW3-AT) Parcel No. 1 203 029 264 264 00 (Parcel RW3-BB)

136 Parcel No. 1 203 032 264 264 00 (Parcel RW3-AV) Parcel No. 1 202 029 264 264 00 (Parcel RW3-BC)

137 Parcel No. 1 203 031 264 264 00 (Parcel RW3-AX)

138 Parcel No. 1 203 030 264 264 00 (Parcel RW3-AZ)  
139 Mr. Ortega stated these parcels are with the same landowner as the one that just previously went before  
140 you with the same circumstances as well.  
141 A motion was made for approval, and a roll call vote took place.  
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**Result:** Approved by Vote (5-0)

**Motion:**  
**Garza**

**Second:**  
**Lucero**

**Ayes: 5**

**Nays: 0**

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144 f) Request for Approval of Easement Agreements with Travis LaGrone and the ENMWUA for RW3 Pipeline  
145 Phase. – Ortega  
146 Parcel No. 1 201 048 132 264 00 (Parcel RW3-G)  
147 Parcel No. 1 200 049 264 264 00 (Parcel RW3-D)

148 Mr. Ortega advised the Board Members these are two parcels, RW3-G and RW3-D. These are permanent  
149 and temporary construction easement agreements for parcels listed involving the Raw Water 3 pipeline  
150 project. The property owner has accepted the easements purchase offer and has signed both agreements.  
151 Mr. Ortega shared that a memorandum of agreement between the ENMWUA and Mr. Travis LaGrone has  
152 also been prepared and the Authority is seeking approval of that as well. Mr. Ortega then asked ENMWUA  
153 Attorney Kameron Barnett to provide further details. Mr. Barnett explained that Mr. LaGrone had  
154 concerns about the wells and the water lines on his property and requested protection around his well.  
155 Mr. LaGrone has an existing wind lease with Leeward Energy that he would not like interrupted or  
156 interfered with. Mr. LaGrone also requested specific information about gates and where they would be  
157 installed on his property. Mr. Barnett shared that the ENMWUA was able to accommodate all of Mr.  
158 LaGrone’s concerns within the memorandum of agreement. Mr. Ortega reported that he did reach out to  
159 Mr. LaGrone via email this morning and provided him with the call-in information for this meeting if so  
160 wished to attend. However, Mr. LaGrone replied and advised that he would not be attending the meeting.  
161 A motion was made for approval, and a roll call vote took place.  
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**Result:** Approved by Vote (4-0)

**Motion:**  
**Bryant**

**Second:**  
**Garza**

**Ayes: 4**

**Nays: Member**  
**Merrick**  
**Abstained**

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164 g) Request for Approval of the Purchase of Real Estate from Travis LaGrone to the ENMWUA for the Use  
165 of Eastern New Mexico Rural Water System Facilities. – Ortega, Barnett  
166 Replat of a Portion of Section 32  
167 Township 9 North, Range 34 East of the New Mexico Principal Meridian  
168 Quay County, State of New Mexico  
169 Tract 1  
170 Approximately 10.313 Acres

171 Mr. Ortega announced before you is a purchase of real estate agreement between Travis LaGrone and the  
172 ENMWUA for the purchase of real property for the use of Eastern New Mexico Rural Water System  
173 Facilities. He further explained that this location will be the location of the storage tanks at the top of the  
174 Caprock. Mr. Ortega asked Attorney Kameron Barnett to provide further details. Mr. Barnett advised this  
175 agreement is different from the memorandum of agreement as this is a purchase of the property. Mr.  
176 Barnett expressed that part of the negotiation with Mr. LaGrone was to allow him to continue use of the  
177 property nonexclusively until Jacobs Engineering provides him with a three-month notice that they will be  
178 requiring exclusive use of the property.

179 A motion was made for approval, and a roll call vote took place.

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

**Motion:**

**Garza**

**Second:**

**Bryant**

**Ayes: 5**

**Nays: Member**

**Merrick**

**Abstained**

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## 183 **9. Unfinished Business – N/A**

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## 185 **10. Reports from Board Members and Staff**

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### 187 a) State Activities – Thompson

188 Mr. Thompson announced that there is a meeting scheduled between the ENMWUA and the New Mexico  
189 State Land Commissioner at 2:00 pm today. He explained that the purpose of the meeting is to update the  
190 Commissioner on the project and possibly raise the question on the right-of-way issue.

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### 192 b) Federal Activities – Ryan

193 Mr. Ryan stated we are currently under a continuing resolution until March 1<sup>st</sup>. Mr. Ryan advised that  
194 there is \$55 million dollars in play that can distributed amongst the five water projects that are left. He  
195 shared that it was a little disappointing to only have received 7 million for fiscal year 2024. However, the  
196 Authority wrote a letter to Secretary Hall in which we requested \$319,000,000.00. Mr. Ryan expressed  
197 that he feels that there will be another announcement of funds for infrastructure money in March.

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c) Project Development Activities – Jacobs, Jim Honea

FW1 – Mr. Honea advised pipeline installation is about 30% complete (approx. 5 miles), clearing and grubbing is 71% complete (approx. 10 miles), temporary fencing at the edge of the work limit is 55% complete (approx. 8.5 miles), Vaults are currently in progress, Fiber optic conduit installation is 22% complete (approx. 3.5 miles).

RW3 – Mr. Honea stated a pre-bid meeting was held early January in which nine contractors, one steel pipe supplier, and one miscellaneous vendor were in attendance. Questions are due January 31, 2024.

FW3B – Mr. Honea reported submittals and request for information process is ongoing. Target to start filed construction is May 2024.

Texico Lateral – Mr. Honea informed the Board Members the design is currently on hold.

RW1/RW2 – Mr. Honea reported RW1A is currently in quality control review of alignment and easement. RW1B, the design team is progressing 60% design. RW2, the design team is progressing 60% design.

Elida Lateral – Mr. Honea shared the design team is progressing 60% design.

Pump Stations/Tanks – Mr. Honea explained the design team is targeting April for 60% design completion.

Water Treatment Plant/Member Treatment Facilities – Mr. Honea advised Jacobs has begun the pilot plant design. He explained pilot plant design is intended to run reverse osmosis membrane filtration treatment process.

Project Status through end of 2023 – Ms. Christofferson with Jacobs Engineering provided a PowerPoint presentation regarding the status of the ENMRWS project.

- Land/Easements – Acquired 122, Remaining 95.
- Field Investigation – Survey mapping 130 miles complete, Geotechnical borings 710 complete and 50 remaining, Cultural/Biological Survey 100 miles complete and 30 miles remaining.
- Design – 67 miles of pipeline final design, 73 miles of pipeline progressing to 60% design, 2 pump stations progressing to 60% design.
- Pipeline Construction – 22 miles constructed (FW1, FW2, FW3), 108 miles remaining.
- Other – Contractor Industry Day, WTP Alternatives Analysis.

d) Ute Reservoir USGS Report – Bowens

Currently the Ute Reservoir Storage in ac/ft as of December 25, 2023, the Reservoir was at 162,800 ac/ft and as of today January 24, 2024, was reported at 161,900 ac/ft for a loss of 900 ac/ft. The Ute Reservoir Water Surface Elevation in ac/ft as of December 25, 2023, was reported at 3,782.15 ft and as of today January 24, 202, was reported at 3,782.02 ft for a loss of 1.56 inches.

e) Report from the Chair – Morris

Chairman Morris expressed that he was invited to a press conference that was being held by the New Mexico Governor in reference to a water plan. Mr. Morris invited all to attend this water meeting in support of the ENMRWS project.

f) Report from the Administrator – Ortega

Mr. Ortega reported that the Authority has added some extra duties withing the past couple of months on working to improve communication with property owners. Mr. Ortega advised the ENMWUA is planning on holding a stakeholder meeting in February and is inviting all property owners from finished water one as well as any affected property owners. He stated the Authority is also putting signage out at the construction sites so if there are any questions or concerns during construction property owners know who to contact.



245 **11. Future Agenda Items**

246 a) Next Regular Meeting, Date, Time, and Location: Thursday, February 22, 2024, at 3:00 p.m. at the Clovis Carver  
247 Library (Ingram Room), 701 N. Main Street, Clovis NM, 88101.

248 **12. Public Input**

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250 **13. For the Good of the Order**

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252 **14. Adjournment**

253 Meeting adjourned officially at 11:27 a.m.

254 X  \_\_\_\_\_

255 Michael A. Morris  
256 Chairman

X  \_\_\_\_\_

Chris Bryant  
Secretary