

ENMWUA Regular Board Meeting

DATE: Thursday, May 25, 2023

LOCATION: Clovis Carver Library (Ingram Room), 701 N. Main Street, Clovis NM, 88101

1 **1. Call to Order**

2 The meeting was called to order at 3:02 pm.

3

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

5 a) One Member for the City of Texico

6 Max L. Carter

7 **3. Roll Call**

8 Roll was called. The following ENMWUA Board Members were in attendance in-person: Chairman Morris,
9 Secretary Bryant, Member Lucero and Member Carter. Vice-Chair Jackson was present Via Teams phone
10 conference. Member Garza were absent. ENMWUA Administrator Orland Ortega and staff as well as ENMWUA
11 Attorney Kameron Barnett, Jim Honea and Wendy Christofferson with Jacobs Engineering were present. John
12 Ryan with Capitol Consultants and Joe Thompson with Thompson Consulting were present Via Teams.

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14 **4. Approval of Agenda**

15 A motion to adopt the agenda was unanimously approved.

Result: Approved by Vote (5-0)

Ayes: 5

Nays:

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17 **5. Approval of Minutes**

18 a) The Board unanimously approved the minutes from the Regular Board Meeting held on Thursday
19 Wednesday, April 26, 2023, at 3:00 pm at the Elida Community Center, Elida NM, 88116.

Result: Approved by Vote (4-0)

Ayes: 4

**Nays: Member
Lucero Abstained**

20

21 **6. Public Input**

22 Chairman Morris addressed the public for any comments, and no public input was made at this time.

23

24 **7. Monthly Financials**

25 a) Approval of Monthly Financials for the Month Ending April 30, 2023. – Ortega

26 Mr. Ortega reported total revenues for the month ending April 30, 2023, were in the amount of
27 \$480,618.21. Of that amount the Authority received revenue for SAP 22-G1047-GF HB2 funds for Task
28 Orders with Jacobs Engineering in the amount of \$381,766.77 along with SAP G2320-STB in the amount
29 of \$89,259.46 and the Town of Elida FY2023 Membership Contribution in the amount of \$8,667.00.
30 Interest earned for the month of April was \$924.98, expenditures reported for the month of April 2023
31 were \$ 38,452.33. Bank account balances reported as of April 30, 2023, were as follows: ENMWUA
32 business checking account had a balance of \$484,293.99, ENMWUA Money Market account had a balance
33 of \$2,198,825.99, Capital Construction account had a balance of \$747,301.88, and the ENMWUA CD had
34 a balance of \$2,541,595.63. Reported as of May 25, 2023, ENMWUA business checking account had a
35 current balance of \$247,595.08, Money Market account balance sits at \$2,198,825.99, ENMWUA CD
36 balance is reported the same at \$2,541,595.63, and Capital Construction account has a current balance of
37 \$275,827.15. The total balance of all Authority accounts as of May 25, 2023, was reported at
38 \$5,263,843.85. A motion was made for approval of the monthly 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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40 b) Approval of Monthly Bank Transfer Request from Money Markey Account #7111 to Buiness Checking
41 Account #7101. - Ortega

42 Mr. Ortega explained that ENMWUA is requesting a transfer from the Money Market Account to the
43 Business Checking Account in the amount of \$66,00.00 to help cover the Authority's expenditures in
44 operations and administration.

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

Result: Approved by Vote (5-0)

Motion:
Lucero

Second:
Carter

Ayes: 5

Nays: 0

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47 c) Approval of Monthly Bank Transfer Request from Capital Construction Account #2801 to Business
48 Checking Account #7101. - Ortega

49 Mr. Ortega advised that the Authority is requesting a transfer of funds from the Capital Construction
50 Account to the Business Checking Account in the amount of \$1,107.50.

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

52

Result: Approved by Vote (5-0)

Motion:
Bryant

Second:
Carter

Ayes: 5

Nays: 0

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54 **8. New Business Items**

55 a) Presentation and Request for Approval of the ENMWUA FY2024 Interim Budget. – Ortega

56 Mr. Ortega stated the FY2024 Interim Budget has been in development over the past few months and has
57 included participation from ENMWUA staff, Hinkle & Landers, and ENMUWA Finance Committee. Mr.
58 Ortega then presented the budget to the Board Members and answered any questions or concerns they
59 had. Mr. Ortega recommended approval of the FY2024 Interim Budget. He advised once approved by the
60 Board, the Authority will then prepare to submit the approved Interim Budget to the New Mexico
61 Department of Finance and Administration on or before June 1, 20223 as required by New Mexico Law
62 for Special Districts.

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

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Result: Approved by Vote (5-0)

Motion:
Bryant

Second:
Jackson

Ayes: 5

Nays: 0

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b) Request for Approval of Annual Service Agreement with Hinkle & Landers Certified Public Accountants for the Period of July 1, 2023, to June 30, 2024. – Ortega, Bowens

Mr. Ortega asked Ms. Bowens, Chief Procurement Officer to present this item. Ms. Bowens informed the Board Members the Hinkle & Landers contract procurement type is a contract renewal of professional services under \$60,000.00. The contract is a one-year hourly rate contract. She expressed that this procurement meets all State Statue of requirements of 13-1-125, Subsection B and internal policies and budgetary guidelines for this procurement type. The proposed changes are the yearly amount has changed from \$37,864.00 to \$47,400.00 which is an increase of \$9,536.00 a year. She explained the hourly rate did not increase, however the anticipated number of hours to complete the contract increased overall a little over a 25% increase. The second change is the term dates, this contract will start July 1, 2023, and will end June 30, 2024. Mr. Ortega stated that the Authority and staff have been very satisfied with Hinkle & Landers and makes a recommendation to approve the annual contract.

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

Result: Approved by Vote (5-0)

Motion:
Lucero

Second:
Carter

Ayes: 5

Nays: 0

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c) Request for Approval of the FY2023 Audit Contract with De'Aun Willoughby CPA, PC. – Ortega, Bowens

Ms. Bowens reported De'Aun Willoughby CPA contract amount is \$15,903.56. She explained the procurement type is a 3-quote process which was completed in 2021, the quote included 3 years of professional services under \$60,000.00. Ms. Bowens stated this will be the last year of the ENMWUA 3-year audit procurement. In FY2024 the ENMWUA will need to complete another 3-year audit procurement process. She further explained the new contract type is a one-year contract prepared and approved by the OSA office. This procurement meets State Statue 13-1-125 Subsection B, internal policies, and budgetary guidelines for this type of procurement.

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

Result: Approved by Vote (5-0)

Motion:
Bryant

Second:
Jackson

Ayes: 5

Nays: 0

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92 d) Request for Approval of Annual Service Contract with Harmon, Barnett, & Morris, P.C. for the Period of
93 July 1, 2023, to June 30, 2024. – Ortega, Bowens

94 Ms. Bowens stated Harmon, Barnett, & Morris, P.C. procurement type is a one-year contract renewal for
95 professional services allowable under a four-year sole source procurement completed in May 2022. The
96 contract type is a one-year hourly rate contract. This procurement meets State Statue 13-1-126, internal
97 policies, and budgetary guidelines for this type of procurement. Ms. Bowens reported two proposed
98 changes to this contract. The first is the hourly amount has changed from \$200 to \$250. This will be the
99 first rate increase to the Harmon, Barnett, & Morris contract since their original contract in 2019. The
100 second proposed change is term dates starting July 1, 2023, and ending June 30, 2024.
101 A motion was made for approval, and a roll call vote took place.
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Result: Approved by Vote (5-0)

Motion:
Bryant

Second:
Lucero

Ayes: 5

Nays: 0

103
104 e) Request for Approval of Easement Agreements with Joe A. Watkins and Sally Watkins and the ENMUWA
105 for RW3 Pipeline Phase. - Ortega
106 Parcel No. 1 201 044 264 132 00 (Parcel S)

107 Mr. Ortega shared this is a Permanent and Temporary Construction Easement for the RW3 pipeline
108 project. The property owners have accepted the easements purchase offer and have signed both
109 agreements. The Authority makes a recommendation for the Board to approve both easement
110 agreements.

111 A motion was made for approval, and a roll call vote took place.
112

Result: Approved by Vote (5-0)

Motion:
Carter

Second:
Bryant

Ayes: 5

Nays: 0

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114 f) Request for Approval of Easement Agreements with Ralph D. Harrison and Wanda Lee Harrison and the
115 ENMWUA for RW3 Pipeline Phase. – Ortega
116 Parcel No. 1 201 045 264 132 00 (Parcel P)

117 Mr. Ortega reported this is a Permanent and Temporary Construction Easement for the RW3 pipeline
118 project. The property owners have accepted the easements purchase offer and have signed both
119 agreements. The Authority makes a recommendation for the Board to approve both easement
120 agreements.

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

122

Result:	Approved by Vote (4-0)
Motion:	
Jackson	
Second:	
Lucero	
Ayes: 4	
Nays: Chairman	
Morris	
Abstained	

123

124 g) Request for Approval of Easement Agreements with James Lynn Brown Testamentary Trust and the
125 ENMWUA for RW3 Pipeline Phase. – Ortega

126 Parcel No. 1 203 037 244 244 00 (Parcel AL)

127 Mr. Ortega advised this is a Permanent and Temporary Construction Easement for the RW3 pipeline
128 project. The property owners have accepted the easements purchase offer and have signed both
129 agreements. The Authority makes a recommendation for the Board to approve both easement
130 agreements.

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

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

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134 h) Request for Approval of Easement Agreements with J and L Trust, LLC, a New Mexico Limited Liability
135 Company and the ENMWUA for RW3 Pipeline Phase. – Ortega

136 Parcel No. 1 203 041 132 264 00 (Parcel Z)

137 Mr. Ortega informed the Board Members that this is a Permanent and Temporary Construction Easement
138 for the RW3 pipeline project. The property owners have accepted the easements purchase offer and have
139 signed both agreements. The Authority makes a recommendation for the Board to approve both
140 easement agreements.

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

142

Result: Approved by Vote (5-0)

Motion:
Lucero

Second:
Bryant

Ayes: 5

Nays: 0

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145 **9. Unfinished Business – N/A**

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147 **10. Reports from Board Members and Staff**

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149 a) Federal Activities – Ryan

150 Mr. Ryan advised they have identified \$108,000,000.00 for fiscal year 2024 which is what the ENMWUA
151 will be competing for in the Infrastructure Bill come March. Mr. Ryan explained within the fiscal year 2024
152 the Administration’s budget is working its way through Congress. He stated the good news about fiscal
153 year 2024 funding moving through Congress is that Senator Heinrich has indicated that he is requesting
154 \$30 million for the ENMUWA pipeline project that is separate and above any money from the
155 Infrastructure Bill. Mr. Ryan shared the Authority received a request from Diane Ventura asking for a quote
156 from community members on the project explaining Senator Heinrich’s interest, support, and activity in
157 helping construct this project.

158

159 b) State Activities – Thompson

160 Mr. Thompson shared that he is working on scheduling a meeting with the ISC and Administrator Ortega
161 as several members have retired. Mr. Thompson reported the Legislative Finance Committee had the first
162 meeting of the interim. He expressed tremendous opportunity for the Authority.

163

164 c) Project Development Activities – Jacobs, Jim Honea

165 FW3A – Mr. Honea explained Jacobs is waiting on a final lien waiver from the contractor for final
166 completion.

167 FW1 – Mr. Honea advised Submittals and RFI’s are in progress with Oscar Renda. Jacobs anticipates pipe
168 delivery for the end of June 2023. Mr. Honea reported they are setting up the storage yard and working
169 on work limit fencing.

170 RW3 – Mr. Honea stated Jacobs is progressing 100% design as well as working on easement acquisition.

171 FW3B – Mr. Honea reported the pre bid meeting was held two weeks ago and there were nine contractors
172 who attended.

173 Texico Lateral – Mr. Honea informed the Board Members Jacobs is progressing the 100% drawings and
174 specifications.

175 RW1/RW2 – Mr. Honea reported Jacobs is progressing the 60% for RW1 making small refinements to the
176 alignment. RW2 Jacobs is continuing to progress the alternative analysis the portion of the Caprock
177 specifically.

178 Elida Lateral – Mr. Honea shared Jacobs is starting to progress the 60% design.

179 Intake Pump Station – Mr. Honea explained Jacobs is preparing for design kickoff in mid-June which will
180 be held at the Jacobs design center in Corvallis, Oregon.

181 Caprock Pump Station – Mr. Honea explained Jacobs is preparing for design kickoff in mid-June which will
182 be held at the Jacobs design center in Corvallis, Oregon.

183 Water Treatment Plant – Mr. Honea stated Jacobs is progressing alternatives analysis technical memo.
184

185 b) Ute Reservoir USGS Report – Bowens

186 Currently the Ute Reservoir Storage in ac/ft as of April 25, 2023, the Reservoir was at 122,000 ac/ft and as
187 of today May 25, 2023, was reported at 121,400 ac/ft for a loss of 600 ac/ft. The Ute Reservoir Water
188 Surface Elevation in ac/ft as of April 25, 2023, was reported at 3,773.51 ft and as of today May 25, 2023,
189 was reported at 3,773.41 ft for a loss of 1.2 inches.
190

191 e) Report from the Chair – Morris

192 Chairman Morris announced that the communities would like to see this region prosper but none of it
193 works if we don't have water sustainability which is why this pipeline project is an important piece of the
194 puzzle. Chairman Morris expressed how proud he is of all the work that has been done over the years to
195 have us to the place where we are in a position of the inevitability of this project being completed in the
196 very near future.
197

198 f) Report from the Administrator – Ortega

199 Mr. Ortega reported last Friday that the Authority received a notice from the Bureau of Reclamation that
200 Amendment one to our completion grant is complete and \$94 million dollars is available to the Authority
201 for the fiscal year 2024 funding. Mr. Ortega advised that drinking water DW-5861 \$15 million dollar loan
202 from the City of Clovis is getting to the point of completion. He stated ENMWUA anticipates this loan
203 closing will be on Friday, September 1, 2023.
204

205 **10. Future Agenda Items**

206 a) Next Regular Meeting, Date, Time, and Location: Thursday, July 27, 2023, at 3:00 p.m. at the Clovis Carver Public
207 Library (Ingram Room), 701 N. Main Street, Clovis, NM 88101.

208 **11. Public Input**
209

210 **12. For the Good of the Order**
211

212 **13. Adjournment**

213 Meeting adjourned officially at 4:40 pm

214 X  _____

215 Michael A. Morris
216 Chairman

X  _____

Chris Bryant
Secretary