

MEETING MINUTES

ENMWUA Regular Board Meeting

DATE: Tuesday, January 31, 2023

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: 01 am

3

4 **2. Roll Call**

5 Roll was called. The following ENMWUA Board Members were in attendance in-person: Chairman Morris,
6 Secretary Bryant, Member Garza, Vice-Chair Jackson, Member Lucero, and Member Dixon. Others present were
7 ENMWUA Administrator Orlando Ortega and staff, as well as ENMWUA Attorney Kameron Barnett, and Jim
8 Honea with Jacobs Engineering. Members of the public that attended: Senator Stuart Ingle, Steve Hansen from
9 the Eastern New Mexico News, Roosevelt County Commissioner Tina Dixon, and Curry County Commissioner
10 Fidel Madrid.

11

12 **3. Approval of Agenda**

13 A motion to adopt the agenda was unanimously approved.

Result: Approved by Vote (6-0)

Ayes: 6

Nays: 0

14

15 **4. Approval of Minutes**

16 a) The Board unanimously approved the minutes from the Regular Board Meeting held on Thursday
17 December 15, 2022, at 2:00 pm at the Clovis Carver Library (Ingram Room), Clovis NM, 88101.

Result: Approved by Vote (6-0)

Ayes: 6

Nays: 0

18

19 **5. Public Input**

20 Chairman Morris addressed the public for any comments, and no public input was made at this time.
21

22 **6. Monthly Financials**

23 a) Approval of Monthly Financials for the Month Ending December 31, 2022. – Marez, Ortega

24 Ms. Marez reported total revenues for the month ending December 31, 2022, were in the amount of
25 \$519,271.59. Of that amount the Authority received revenue from State Funds for a total of \$474,912.36
26 those included disbursement requests for SAP funds for Task Orders with Jacobs Engineering. The
27 Authority also received member contribution from the City of Texico for fiscal 2023 in the amount of
28 \$43,337.00. Interest earned for the month of December was \$1,022.23, expenditures reported for the
29 month of December 2022 was \$ 1,177,070.59. Reported expenditures included payment to FW3B
30 property owners for 7 parcels for a total of 14 easements in the amount of \$26,800.00. Payment to
31 Smithco Construction for FW3A Pay App 17 in the amount of \$380,863.31, payment to Jacobs monthly
32 invoices in the amount of \$716,608.98. Bank account balances reported as of December 31, 2022, were
33 as follows: ENMWUA business checking account had a balance of \$450,031.74, ENMWUA Money Market
34 account had a balance of \$2,436,162.49, Capital Construction account had a balance of \$278,482.91, and
35 the ENMWUA CD had a balance of \$2,541,595.63. Reported as of January 31, 2023, ENMWUA business
36 checking account had a current balance of \$388,170.81, Money Market account balance sits at
37 \$2,436,162.49, ENMWUA CD balance is reported the same at \$2,541,595.63, and Capital Construction
38 account has a current balance of \$278,759.41. The total balance of all Authority accounts as of January
39 31, 2023, was reported at \$5,644,688.34. A motion was made for approval of the monthly financials, and
40 a roll call vote took place.

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

41
42 b) Approval of Monthly Bank Transfer Request from Money Market Account #7111 to Business Checking
43 Account #7101. – Marez, Ortega

44 Ms. Marez informed the Board Members at this time the Authority is not requesting a monthly transfer
45 for funds.
46

47 **7. New Business Items**

48 a) Remarks from State Legislative Delegation. – Morris

49 Senator Stuart Ingle spoke on HB2, the General Appropriations Bill and stated there was already \$10
50 million allocated towards the Eastern New Mexico Rural Water System.

51

52 b) Request for Approval of Budget Adjustment Resolution 2023-01 for ENMWUA FY2023 Budget. – Ortega
53 Mr. Ortega stated with the closing of Water Trust Board WPF-5667, the Authority is now able to add
54 \$14,510,522.00 to the FW1 construction budget. The Authority is also recommending some budget
55 adjustments within the budget to assure that the ENMWUA meets the planned and policy obligations.

56

- 57 1. the first adjustment is to add the WTB WPF-5667 funding to the FY2023 budget which is earmarked for
58 FW1 construction.
- 59 2. Increase the amount of WTB WPF-5416 funds toward FW1 construction from \$5,215,928.70 to
60 \$6,795,877.69. This will allow the Authority to expend WPF-5416 funds sooner, thus allowing the Authority
61 to meet WTB spend down policy requirements.
- 62 3. Adjustment to Task Order 13 - FW1 final design, bid packaging, services during construction, close-out,
63 warranty period. The Authority would like to reduce the WTB WPF-5416 funds budgeted in the amount of
64 \$2,492,343.30 to \$912,394.31.
- 65 4. The Authority recommends moving USBR R22AC00674 funds in the amount of \$2,131,643.20 from the
66 Texico Lateral construction project to Task Order 10 – RW3 90% design and easement acquisition to fulfill
67 that budget. The new adjusted amount for Task Order 10 will be \$3,743,393.42. The administration had
68 intended to use DWSRLF to budget the remaining balance of Task Order 10 but, the Authority has not yet
69 closed the DWSRLF DW loan. Once the DW loan is closed and funds are available, the Authority can then,
70 when needed, add these DWSRLF back to the Texico Lateral construction budget.
- 71 5. The adjustment will require a reduction of the Texico Lateral USBR R22AC00674 funds in the amount of
72 \$2,131,643.20. The new adjusted Texico Lateral construction balance will be \$3,743,393.42.
- 73 6. The Authority is requesting a reduction of the FW1 Easement Acquisition budget from \$175,000.00 to
74 \$155,000.00 which are ENMWUA funds.
- 75 7. The \$20,000.00 reduction to the FW1 Easement Acquisition will go to a new line item titled “FW3B
76 Easement Acquisition Contingency”. This contingency budget will allow the Authority to cover contingency
77 costs to involving easements such as moving items if they are within the easement area to make way for
78 the pipeline work.

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

80

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

81

82 c) Review/Recommendation for Approval of ENMWUA 2023 Finance Plan and Resolution 2023-02
83 Adopting the 2023 Finance Plan. – Ortega, Harrigan

84 Mr. Ortega informed the Board Members that as the Authority continues to work on the DWSRLF loan.
85 The New Mexico Finance Authority has requested the ENMWUA update the 2022 Finance Plan to add the
86 term of the DWSRLF loan to the plan. The adjustments are minor but asked the Board to consider adopting
87 the changes/adjustment. Mr. Ortega stated that Mr. Harrigan with RBC Capital is here today to present

88 the updated Finance Plan. Mr. Harrigan presented to the Board Members a power point presentation of
89 the updated Finance Plan to go out through 2055. He explained some of the items that were updated
90 include the debt service to the most current Water Trust Board loans, as well as the projected debt service
91 on the drinking water loan and divided by the New Mexico Finance Authority.
92 A motion was made for approval, and a roll call vote took place.
93

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

94
95 d) Recommendation for Approval of the Annual Review of the ENMWUA Easement Acquisition Plan. –
96 Ortega, Barnett
97 Mr. Ortega reported the Easement Acquisition Plan is up for its annual review and adoption. Your
98 administrator and staff have reviewed, along with the ENMWUA attorney has also reviewed and shared
99 his comments with the administration. Mr. Ortega announced the only change the Authority recommends
100 is removing the amount of time of a temporary construction easement. The recommendation is to allow
101 for up to five years on a temporary construction easement. He explained that as the project phases
102 become larger, the amount of time to construct is lengthier, up five years for both construction and for
103 land restoration. Mr. Barnett shared his recommendations were dealing with right of entry cases in
104 condemnation.
105 A motion was made for approval, and a roll call vote took place.
106

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

107
108 e) Request for Approval of Easement Agreements with D. Paige Whitecotton and the ENMWUA for FW3B
109 Pipeline Phase. – Ortega
110 Parcel 1 000 000 002 215 00 (Parcel N)
111 Mr. Ortega described this is a permanent and temporary construction easement for FW3B pipeline
112 project. The property owner has accepted the easements purchase offer and have signed both
113 agreements. The Authority makes a recommendation for the Board to approve both easement
114 agreements.

115 A motion was made for approval, and a roll call vote took place.
116

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

117
118 f) Request for Approval of Easement Agreements with Delores Campbell, Brenda Ryberg, Beverly Helm,
119 and the ENMWUA for FW3B Pipeline Phase. – Ortega
120 Parcel 4 000 000 001 091 00 (Parcel AJ)
121 Mr. Ortega stated this is a permanent and temporary construction easement for FW3B pipeline project.
122 The property owners have accepted the easements purchase offer and have signed both agreements. The
123 Authority makes a recommendation for the Board to approve both easement agreements.
124 A motion was made for approval, and a roll call vote took place.
125

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

126
127 g) Request for Approval of Easement Agreements with Davis Arch Ranch, LLC and the ENMWUA for FW3B
128 Pipeline Phase. – Ortega
129 Parcel 4 000 000 000 201 00 (Parcel D)
130 Mr. Ortega advised this is a permanent and temporary construction easement for FW3B pipeline project.
131 The property owner has accepted the easements purchase offer and have signed both agreements. The
132 Authority makes a recommendation for the Board to approve both easement agreements.
133 A motion was made for approval, and a roll call vote took place.
134

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

Ayes: 6

Nays: 0

135
136 h) Request for Approval of Easement Agreements with Scott Christensen, Jane Christensen, and the
137 ENMWUA for FW3B Pipeline Phase. – Ortega
138 Parcel 4 000 000 002 917 00 (Parcel BL)
139 Mr. Ortega informed the Board Members this is a permanent and temporary construction easement for
140 FW3B pipeline project. The property owners have accepted the easements purchase offer and have signed
141 both agreements. The Authority makes a recommendation for the Board to approve both easement
142 agreements.
143 A motion was made for approval, and a roll call vote took place.
144

Result: Approved by Vote (6-0)

Motion:
Lucero

Second:
Garza

Ayes: 6

Nays: 0

145
146 i) Request for Approval of Easement Agreements with Scott Christensen, Jane Christensen, and the
147 ENMWUA for FW3B Pipeline Phase. – Ortega
148 Parcel 1 100 000 002 916 00 (Parcel BM)
149 Mr. Ortega explained this is a permanent and temporary construction easement for FW3B pipeline
150 project. The property owners have accepted the easements purchase offer and have signed both
151 agreements. The Authority makes a recommendation for the Board to approve both easement
152 agreements.
153 A motion was made for approval, and a roll call vote took place.
154

Result: Approved by Vote (6-0)

Motion:
Garza

Second:
Jackson

Ayes: 6

Nays: 0

155
156 j) Request for Approval of Easement Agreements with Scott Christensen, Jane Christensen, and the
157 ENMWUA for FW3B Pipeline Phase. – Ortega
158 Parcel 1 000 000 006 060 00 (Parcel BP)

159 Mr. Ortega reported this is a permanent and temporary construction easement for FW3B pipeline project.
160 The property owners have accepted the easements purchase offer and have signed both agreements. The
161 Authority makes a recommendation for the Board to approve both easement agreements.
162 A motion was made for approval, and a roll call vote took place.
163

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

164
165 k) Request for Approval of Easement Agreements with Rosemary Van Dover and the ENMWUA for FW3B
166 Pipeline Phase. – Ortega
167 Parcel 4 000 000 000 759 00 (Parcel V)
168 Mr. Ortega stated this is a permanent and temporary construction easement for FW3B pipeline project.
169 The property owner has accepted the easements purchase offer and have signed both agreements. The
170 Authority makes a recommendation for the Board to approve both easement agreements.
171 A motion was made for approval, and a roll call vote took place.
172

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

173
174 l) Request for Approval of Easement Agreement with Gregory Mead and the ENMWUA for FW3B Pipeline
175 Phase. – Ortega
176 Parcel 4 100 000 002 864 00 (Parcel Z)
177 Mr. Ortega shared this is a permanent easement agreement for FW3B pipeline project. The property
178 owner has accepted the easement purchase offer and has signed the agreement. The Authority makes a
179 recommendation for the Board to approve the permanent easement agreement.
180 A motion was made for approval, and a roll call vote took place.
181

Result: Approved by Vote (6-0)
Motion:
Garza

Second:

Dixon

Ayes: 6

Nays: 0

182

183 **8. Unfinished Business – N/A**

184

185 **9. Reports from Board Members and Staff**

186

187 a) Project Development Activities – Jacobs, Jim Honea

188 FW3A – Mr. Honea explained Jacobs is waiting on a manhole lid for 1 blowoff and 2 fiber handholds. Jacobs
189 is also finalizing record drawings & operation and maintenance manual.

190 FW1 – Mr. Honea advised Submittal and RFI's are in progress with Oscar Renda. Jacobs anticipates pipe
191 delivery for the Summer 2023.

192 RW3 – Mr. Honea stated Jacobs is currently in their internal quality control review of the 90% design which
193 has been ongoing for about two weeks. Jacobs has engaged in the first step of easement acquisition having
194 prepared 24 of the 29 legal descriptions. Mr. Honea shared that their appraiser team has started the
195 appraisal process as well.

196 FW3B – Mr. Honea reported the 100% permitting submittal should be submitted to the new agency this
197 week.

198 Texico Lateral – Mr. Honea informed the Board Members Jacobs is progressing the 60% design and hope
199 to have that in quality review sometime in February. Utility potholing is also ongoing.

200 RW1/RW2 – Mr. Honea reported Jacobs has survey utility work ongoing and hope to start Geotech
201 investigation plans in March 2023 mainly focused on RW1. Geotech won't start on RW2 until final
202 alignment selection is made.

203 Elida Lateral – Mr. Honea expressed survey and utility work is ongoing. The majority of the field work for
204 Geotech investigation is nearly complete.

205 Intake Pump Station – Mr. Honea explained Jacobs is working on the review and updates of basis of design
206 report. He stated Jacobs is also working on preliminary pump selection.

207 Caprock Pump Station – Mr. Honea advised Jacobs is working on the review and updates of basis of design
208 report as well as the preliminary pump selection.

209 Water Treatment Plant – Mr. Honea stated Jacobs is progressing alternatives analysis for the water
210 treatment plant. He announced they are planning a site visit with the working group. Operation program
211 and controls are in coordination with member communities. He further announced Jacobs is looking into
212 renewable energy feasibility. Mr. Honea reported that Jacobs along with the Authority is hosting an
213 Industry Day at the Clovis Carver Library on February 8, 2023. He stated there are 27 confirmed contractors
214 attending the event not including small local businesses.

215

216 b) Ute Reservoir USGS Report – Marez

217 Currently the Ute Reservoir Storage in ac/ft as of December 24, 2022, the Reservoir was at 127,800 ac/ft
218 and as of today January 31, 2023, was reported at 126,800 ac/ft for a loss of 1,000 ac/ft. The Ute Reservoir
219 Water Surface Elevation in ac/ft as of December 24, 2022, was reported at 3,774.66 ft and as of today
220 January 31, 2023, was reported at 3,774.49 ft for a loss of 2.04 inches.

221

222 c) State Activities – Thompson
223 Mr. Thompson explained that Representative Chatfield has a marker for \$10 million in HB2. He also
224 advised that the ENMWUA anticipates going forward with the Water Trust Board application. He reported
225 that the Authority will have to get some exceptions due to the way procurement rules are set.
226

227 d) Federal Activities – Ryan
228 Mr. Ryan stated the Authority is waiting for the fiscal year 2024 president’s budget to come out, which
229 should be out by the first Monday in February. He informed the Board Members with regard to the
230 infrastructure bill and distribution of the money for fiscal year 2023, is that they want to distribute \$248
231 million.
232

233 e) Report from the Chair – Morris
234 Chairman Morris expressed that he appreciated the update on the Finance Plan and stated that it was
235 very informative. He shared how important it is to construct this pipeline and start delivering a surface
236 water to supplement our groundwater.
237

238 f) Report from the Administrator – Ortega
239 Mr. Ortega reported the Authority currently has 22 budgeted projects. Of those projects 16 are active
240 projects with expenditures. He explained that as the Authority moves forward, they will be adding
241 expenditures to the remaining of those projects. Mr. Ortega spoke on easement acquisition and stated
242 that the Authority would be taking it on. Mr. Ortega announced the ENMWUA has completed the annual
243 audit and the presentation by the auditor will be at the next Board Meeting scheduled for February.
244

245 **10. Future Agenda Items**


246 a) Next Regular Meeting, Date, Time, and Location: Thursday, March 23, 2023, at 3:00 p.m. at the Portales Memorial
247 Building, 200 E. 7th Street, Portales, NM 88130.

248 **11. Public Input**

249
250 **12. For the Good of the Order**

251
252 **13. Adjournment**

253 Meeting adjourned officially at 11:44 a.m.

254 X 
255 Michael A. Morris
256 Chairman

X 
Chris Bryant
Secretary