

ENMWUA Regular Board Meeting

DATE: Thursday, April 23, 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 the 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 do to ensure compliance with OMA would be to postpone/cancel a public meeting. If, however, a board or commission has a time-sensitive matter to attend to, it may proceed with a 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 Chairman Lansford at 3:08 PM.

3 **2. Roll Call**

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

8 **3. Approval of Agenda**

9 A motion to approve the Agenda with the deletion of New Business Item C.

10 c) Recommendation/Action for Amendment #24 to the 2010 Contract with Ch2M/Jacobs
11 Regarding the Deletion of the FW2 Electrical Costs to FW3A Task Order 6 involving Engineering,
12 Bidding, and Project Management Costs. (Deleted from Agenda)

Result: Approved by Vote (6 in Favor. None Opposed)

Motion:
Jackson

Second:

Garza

Ayes:

Nays:

13

14 **4. Approval of Minutes**

15 A motion to approve the minutes from the regular meeting held on Thursday, March 26th, 2020
16 at 3:00 pm at the ENMWUA Offices.

Result: Approved by Vote (6 in Favor, None Opposed)

Motion:

Garza

Second:

Bryant

Ayes:

Nays:

17 **5. Public Input**

18 Following the Office of the Attorney General's Open Government Division to advise all public entities
19 subject to the Open Meetings Act to ensure compliance Roll Call was established for all listening into
20 the meeting and participating.

21 Those present via Phone Conference Call- Kevin Wilson with the Eastern New Mexico News, Mark
22 Huerta with EPCOR Water, Rex Stall with MJR Maintenance, Max Carter, Council Member for City of
23 Texico, Mayor Durward Dixon for Town of Elida, Sandy Chancey with EPCOG, Member Juan Garza,
24 and Vice-Chair Ronald Jackson. Those present via Jitsi Video Conference- Chairman David Lansford,
25 Joe Thompson with Thompson Consulting, John Irizarry with USBR, Member Robert Thornton,
26 Member Chris Bryant, Jim Honea with Jacobs Engineering, Kameron Barnett Attorney for the
27 ENMWUA, Member Jim Lucero, ENMWUA Administrator Orlando Ortega, ENMWUA Chief
28 Procurement Officer Jacquelynn Bowens and ENMWUA Office Manager Haleigh Marez.

29 **6. Monthly Financials**

30 a) Approval of Monthly Financials for the Month ending March 31, 2020- Ortega Revenues for the
31 month ending March 31, 2020 were \$1,372,763.18 Funds that were deposited into the ENMWUA
32 bank account included funds from the City of Clovis Intergovernmental Agreement as well as the
33 interest from our bank account in the amount of \$166.46. Expenditures for the month of March

34 totaled \$915,702.95. As of March 31st, 2020, the ENMWUA bank balance was \$4,277,949.18 and as
35 of this morning April 23rd, 2020 the ENMWUA bank balance is at \$5,178,00.25. A certificate of deposit
36 that was approved at the previous board meeting was then established at Citizen's Bank in Clovis,
37 NM in the amount of \$2,500,000.00.

Result: Approved by Vote (6 in Favor, None Opposed)

Motion:

Lucero

Second:

Garza

Ayes:

Nays:

7. New Business Items

38
39
40 a) Acknowledgement of ENMWUA Statute Amendment HB 76 Effective May 20, 2020 involving
41 Adjustment of Board Membership-Lansford The Chairman went over the new legislation, the revision
42 of House Bill 15. The new legislation states that the Eastern New Mexico Water Utility Authority is
43 created for the benefit of the four Members of the Eastern New Mexico Rural Water Authority;
44 Membership includes City of Clovis, City of Portales, City of Texico, and Town of Elida. The ENMWUA
45 Board shall consist of six (6) Members, each of whom shall reside within the boundaries of the
46 Authority. One Board Member for Texico and Elida will be appointed for a term of one year on a
47 rotating basis. The Chairman also discussed with the Board now that the ENMWUA is going to a six-
48 member board there will need to be a four-person supermajority to pass Agenda Items.

49 b) Appointment of ENMWUA Board Secretary and Committee Members.-Lansford Chairman
50 Lansford discussed with the Board that because Member Thornton will no longer be a voting member
51 as of May 20th, 2020 and the next Board Meeting will be held on May 28th, 2020 that there needs to
52 be an appointment of the Board Secretary. Member Thornton has been an important member of the
53 Finance Committee as well as the Development and Policy Committee. He is also an authorized
54 signatory on the ENMWUA accounts, and he assists in approving bills for ENMWUA. The Chairman
55 addressed the board asking if they would want to wait until the next meeting but that would leave
56 the ENMWUA without a Secretary for 8 days. Vice-Chair Jackson made a nomination to appoint
57 Member Bryant as the Board Secretary.

Result: Approved by Vote (6-0 Unanimous)

Motion:

Jackson

Second:

Garza

Ayes:

Nays:

58

59 Mr. Ortega wanted to add that to this agenda item that someone would need to be appointed to the
60 other ENMWUA Committees, including Finance Committee as well as the Development and Policy
61 Committee. Chairman Lansford recommended that Member Bryant as the new Secretary serve on
62 both committees as they go hand in hand with duties of the Secretary. A motion was made to appoint
63 Member Bryant to the Finance & Development and Policy Committees.

Result: Approved by Vote (6 in favor none opposed)

Motion:

Lucero

Second:

Garza

Ayes:

Nays:

64

65 Mr. Ortega addressed the Board to explain the responsibilities and importance of the ENMWUA
66 Secretary. These responsibilities include serving as an authorizer of expenditure approval for bill
67 paying, on a daily/weekly basis. Also being a signatory on the ENMWUA's bank account and attesting
68 Authority documents. and as mentioned above serving on the Finance Committee and the
69 Development and Policy Committee. A motion was made to put in place an effective date of May
70 20th, 2020 to appoint Member Bryant as active Secretary for the ENMWUA Board.

Result: Approved by Vote (6 in favor none opposed)

Motion:

Garza

Second:

Jackson

Ayes:

Nays:

71

c) Recommendation/Action for Amendment #24 to the 2010 Contract with CH2M/Jacobs Regarding the Deletion of the FW2 Electrical Costs to FW3A Task Order 6 involving Engineering, Bidding, and Project Management Costs. **DELETED from AGENDA**

d) Document of Record between ENMWUA and Cannon Air Force Base (CAFB) of materials related to FW2 Cannon Lateral Connection to CAFB Water System.-Ortega Mr. Ortega addressed the Board that when the contractor was awarded the bid for FW2 it included making the connection to the CAFB's water system, however CAFB has come to the Authority to request us not to make the connection to their water system. Meetings between the Authority, our engineering team(Jacobs), CAFB, our contractor (Oscar Renda), along with Bureau of Reclamation and the NMED Constructions Bureau, it was agreed upon all parties to allow Cannon Air Force Base to perform that connection. The Authority had already purchased the materials needed to make that connection and these materials were manufactured specifically for the ENMWUA Cannon Lateral pipeline connection to the CAFB system. The ENMWUA has proposed to transfer the connection materials to CAFB in order for CAFB to perform the connection when appropriate. CAFB has expressed interest in taking and storing the materials and will use them for the connection. A Document of Record was drafted to document the transfer of these materials. It has been reviewed by both Ms. Bowens the Authority's CPO and by Mr. Barnett the Authority's Attorney. Mr. Ortega recommended to the Board that they authorize the transfer of materials.

Result: Approved by Vote (6-0)

Motion:
Bryant

Second:
Garza

Ayes:

Nays:

e) Update/Progress on Next Phase of Pipeline Construction Preparation for FW3A Bid Package and Alternates. -Ortega, Jacobs Engineering Mr. Ortega updated the Board on the progress and preparation for FW3A. There will be a base bid along with 5 alternates. Reviewing the funding for this FW3A Bid Package, the Bureau of Reclamation award is \$14,750,000.00. The Water Trust Board grant/loan WPF-4817 at \$2,868,106.00. The State Capital Outlay award at \$1,000,000.00 and the ENMWUA Contributions at around \$ 1.1 million. Giving a total budget of about \$19,750,000.00 to work with for this phase of the project. Construction budget sits at about \$ 16,986,941.00 in total for FW3A. Mr. Honea with Jacobs Engineering explained the route on the map for FW3A. From its

starting point in Roosevelt County to the end of the base bid traveling north to Curry County. He also informed the board of the conscience decision to only impact a property owner's easement one time during this construction phase.

8. Unfinished Business N/A

a) Renewal of Ute Reservoir Water Contract.-Lansford Chairman Lansford updated the Board on the upcoming contract renewal of the Ute Reservoir Water Contract. Before the COVID-19 outbreak hit there were meetings scheduled with the State Engineer and the Interstate Stream Commissioner Executive Director. The members of the Ute Water Commission have until the end of this year to renew this contract. This contract is not with the ENMWUA, but we are a signatory to it, the contract is with the twelve members of the Ute Water Commission. The goal is to keep the contract at the same price. There at 16,000 acre/feet reserved for the four remaining members of the Authority at this time.

9. Reports from Board Members and Staff

a)Project Development Activities-Jim Honea with Jacobs Engineering Mr. Honea gave the board an update to the construction progress for FW2. He shared the location of all the vaults on the FW2 project. Currently the contracting crews are installing the pipe supports located inside the concrete vaults. The Main Junction Vault located in the corner of the CAFB Housing has four hatches in place, two located in the center of the vault, where intended use would be for lowering down equipment. The other two hatches are located towards the edge of the vault are for people to enter down into the vault with attached ladders. There was a short update to the Cannon Tank Pressure Reducing Vault, located near the center of CAFB, where there will not be a connection made to CAFB's water tanks yet. The smaller pipe is intended for future interim ground water flows. The other pipe is there for when the Water Treatment Plant is online. The Chindt Tunnel repair is complete apart from the backfill grouting which is scheduled to be completed next week. 3 -week look ahead schedule shows the concrete crew will work on concrete work around the vaults. Some of the crews will be doing paving restoration on the parking lots and roads on CAFB. The week of May 11th is the realistic goal to have the pipe filled for hydrostatic testing to begin. Overall Schedule for substantial completion is more likely to be towards the end of May. The hydrostatic testing will take about a week to fill the pipe, to meet substantial completion, the hydrostatic testing must be complete.

b) ISC Report-Rex Stall Mr. Stall gave the ISC Report, currently the lake is 8 feet below spillway crest and 6.5 feet from the maximum allowable storage. Currently there is a total of 161,732 acre/feet and the lake has received 0.96 inches of moisture year to date. Upkeep of the Intake Structure are going well. Mr. Stall stated he has touched up on some of the erosion work that was done last year from the small amount of settling over time. Mr. Stall has been trying to clean up the weeds in the area to stay on top of the maintenance of the land. No issues with the pumps or timers, all working as intended. Mr. Stall is currently working on a report as requested by Mr. Ortega to indicate when the

pumps were put in and replaced, the hours tracked on the pump usage. No vandalism has been reported.

c) State Activities-Joe Thompson, Thompson Consulting Mr. Thompson started with reporting that oil prices have gone into the negative. If oil and gas prices stay really low it could have a major impact on funding for everything. Appropriations will have to be scaled back with in the state and it could influence the \$1,000,000.00 of the Governor's capital outlay that has been awarded to the Authority. There has been suggestion that when the State of New Mexico opens back up they will be looking towards funding construction projects and infrastructure projects to help bring back jobs and this could fair well for the ENMWUA because we are ready to continue work. Brian Moore, State Legislator from Union County, and the City of Clayton, has been designated as the Chair for the Economic Recovery Task Force, he is a big supporter of the ENMWUA and is happy to meet with us. There is talk for a special session, possibly in June.

d) Federal Activities- John Ryan, Capitol Consultants (Absent)

e) Report from the Chair- Chairman Lansford is continuing to work to set up a meeting with the ISC Director and the State Engineer to brief them on the ENMWUA project as well as discuss strategies for acquiring groundwater for the interim groundwater system.

f) Report from the Administrator- Mr. Ortega submitted his monthly report on April 20th to the Board. We are working on the Fiscal Year 2021 Budget and are looking to have a budget workshop for the Finance Committee next week to refine the draft and present it to the Board at the May 28th Board Meeting. We have continued to secure FW3 easements and continued to proceed with the process of the RFP for the FW2 O & M. Ms. Bowens updated the Board on the RFP Schedule. Last week the ENMWUA has the pre-conference meeting and site visit. Questions were due on Monday the 20th and responses will go out on the 27th of April. We should receive proposals by April 30th with a 2pm deadline to submit. After proposals are submitted we will know how to move forward with the FW2 O & M.

Mr. Ortega also shared with the Board that we are currently working on the Engineering Agreement that is due to expire at the end of the year. Ms. Bowens gave an update to the Board on this agreement as well. She stated that the Jacobs Engineering contract has been a point of discussion with the Finance Committee. It has been agreed with the Finance Committee and Administration to move forward with a sole source contract, with a contract term of one year with a possibility of an extension totally four years. The state statute that allows sole source procurement is statute 13.1.126. Reasons to move forward with sole source are due to extenuating circumstances and in the best interest of the Authority this procurement method is necessary for the following reasons; the length of our project, Jacobs unique experience with the ENMRWS and the maximize the efficiency of our expenditures.

Mr. Ortega also explained to the Board that when time allows Ms. Bowens has continued to investigate funding for the Authority. Ms. Bowens updated the Board, there has been five identified grant funding opportunities for the Authority. First being the New Mexico Drinking Water State Revolving Loan Fund, the fund is monitored by the Drinking Water Bureau and the New Mexico Finance Authority and the funds are issued from the EPA, the next application date is in August. The next funding opportunity is the New Mexico Rural Infrastructure Loan Program. The applications can be submitted anytime and will be awarded funds within 6-8 weeks. It is a loan program that does offer state grant funding on an available basis.

A federal opportunity is a small-scale water efficiency project. It is a 50/50 cost-sharing funds, the application will come due in March, so would be available to us March 2021. They fund up to \$75,000.00. The Water Smart, water and energy efficiency grant, this is also a 50/50 cost-sharing, the application comes due in February of 2021. The last item is the Water Infrastructure Improvement Act. The WIN Grant, it is issued by the EPA, there are webinars available for us to attend to see how the applications process works and if this could be a good fit for the Authority.

10. Future Agenda Items

a) Next Regular Meeting, Location, Date, and Time : May 28, 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

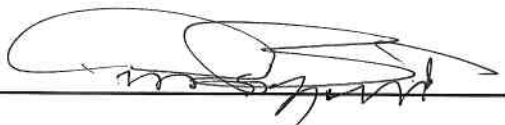
12. For the Good of the Order

13. Adjournment

Meeting adjourned officially at 4:32 PM.

X 

David Lansford
Chairman

X 

Chris Bryant
Secretary