ENMWUA Regular Board Meeting

DATE: Thursday, June 27, 2024

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

1. Call to Order

The meeting was called to order at 3:00 pm

2. Roll Call

Roll was called, the following ENMWUA Board Members were in attendance in-person: Chairman Morris, Vice-Chair Lucero, Member Garza, Member Dixon, and Member Merrick. ENMWUA Administrator Orlando Ortega and staff as well as Joe Thompson with Thompson Consulting, Jim Honea and Wendy Christofferson with Jacobs Engineering, Bryor Price with Jacobs Engineering joined via Teams. Members of the public that attended: Kendall Mudgett with EPCOR, Matt Weiner from the Eastern New Mexico News, and Texico City Councilman Max Carter.

3. Approval of Agenda

A motion to adopt the agenda was unanimously approved.

Result:	Approved by Vote (5-0)
Ayes: 5	
Nays: 0	

4. Approval of Minutes

a) The Board unanimously approved the minutes from the Regular Board Meeting held on Thursday, May 23, 2024, at 3:00 pm at the Clovis Carver Library (Ingram Room), Clovis NM, 88101.

Result:	Approved by Vote (5-0)
Ayes: 5	
Nays: 0	

5. Public Input

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

6. Monthly Financials

a) Approval of Monthly Financials for the Month Ending May 31, 2024. – Ortega

Mr. Ortega reported total revenues for the month ending May 31, 2024, were in the amount of $8,894,285.93. Of that amount the Authority received revenue from USBR Grant Funds FW1, FW3, and Overall. Interest earned for the month of May 2024, was $1,114.67. Expenditures reported for the month ending May 31, 2024, were a total of $1,277,251.52. Bank account balances reported as of May 31, 2024, were as follows: ENMWUA Business Checking account had a balance of $170,873.86, ENMWUA Money Market account had a balance of $1,584,422.33, Capital Construction account had a balance of $6,954,368.49, ENMWUA CD #6325 had a balance of $2,596,239.94 and ENMWUA CD #6326 had a balance of $1,537,602.00. The total balance of all Authority accounts as of May 31, 2024, was reported at $13,980,121.37. A motion was made for approval of the monthly financials, and a roll call vote took place.

Result:	Approved by Vote (5-0)
Motion: **Dixon**	
Second: **Merrick**	
Ayes: 5	
Nays: 0	

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 $143,000.00 transfer of funds. A motion was made for approval, and a roll call vote took place.

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

7. New Business Items

a) Adoption of ENMWUA Open Meeting Act Resolution 2024-04. – Ortega

Mr. Ortega explained this is an annual requirement by State law and demonstrates the ENMWUA is committed to complying with the Open Meetings Act and strives to be transparent with its business. Mr. Ortega further explained this action and document are also used and included with several State and Federal processes/applications. A motion was made for approval, and a roll call vote took place.

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

b) Request for Approval of ENMWUA Regular Board Meeting Schedule for FY 2025 – July 2024 through June 2025. – Ortega

Mr. Ortega stated this is an annual requirement by State law and demonstrates that the ENMWUA is committed to following the Open Meetings Act and strives to be transparent with its work. He advised the meeting schedule is approved by the Board and includes the meeting dates, times, and locations. Meeting dates, times, and locations can be changed as long as the Open Meetings Act procedures and requirements are adhered to. Mr. Ortega shared that once approved, the Regular Board Meeting Schedule will be posted on the ENMWUA website and emailed to newspapers and media in the region. He stated that Ms. Navarrete has reached out to confirm availability of the locations listed.

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

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

c) Adoption of Resolution 2024-05 Pledging Matching Funds to the WTB WPF-6275 Fund involving the ENMRWS Design and Construction of Raw Water 1 and Raw Water 2 Pipeline Phases, Intake Pump Station, Caprock Pump Station, and Caprock Storage Tank. – Ortega, Bowens

Mr. Ortega reported in accordance with NM Water Trust Board Policy, as part of the WTB WPF-6275 "Readiness to Proceed" items, the ENMWUA must demonstrate and pledge through a Board resolution that it will meet the match for this WTB funding as required. Mr. Ortega informed the Board members that the ENMWUA has committed to pledge a minimum of $4,000,000.00 in non-state matching funds toward the scopes of work identified in the 2024 application that are: Design, Easement and Right-of-Way acquisition, and construction of ENMRWS Raw Water 1, Raw Water 2, Intake Pump Station, Caprock Pump Station, Caprock Storage Tank projects as match to the WPF-6275 Water Trust Board funds awarded. Mr. Ortega then asked Chief Procurement Officer Jacquelyn Bowens to provide further details. Ms. Bowens explained Resolution 2024-05 is a requirement to complete our readiness to proceed items. Readiness to proceed items are due by September 30, 2024. Internal due date to submit readiness to proceed items is July 8, 2024. Required Match is $4,000,000.00. The ENMWUA Administration strategically chose to pick the highest allowable match in order to score higher in the scoreable category on the WTB application. Ms. Bowens shared the ENMWUA plans to meet this match with Federal funds expended during construction of the Raw Water pipeline projects.
A motion was made for approval, and a roll call vote took place.

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

d) Request for Approval of Annual Service Contract with Harmon, Barnett, & Morris, P.C. for the Period of July 1, 2024, to June 30, 2025. – Ortega, Bowens

Mr. Ortega advised this is to consider a renewal of the legal services provided by Harmon, Barnett, and Morris, P.C. for the next year beginning July 1, 2024. Mr. Ortega then asked Chief Procurement Officer Jacquelynn Bowens to provide further details. Ms. Bowens reported Harmon, Barnett, & Morris, P.C. agreement procurement type is the second year of a four-year Sole Source. Ms. Bowens further explained the contract type is a one-year renewal, compensation rate had no change in rate. This Procurement meets State Statues 13-1-128, 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: **Garza**	
Second: **Merrick**	
Ayes: 5	

Nays: 0

<u>e) Request for Approval of a Professional Services Agreement with Agenda, LLC in providing Consultation, Information, and Assistance regarding Public Affairs and Related Matters on an as Needed Basis for the period of July 1, 2024, to June 30, 2025. – Ortega, Bowens</u>

Mr. Ortega informed the Board Members this is to consider a one-year agreement for Professional Services with Agenda, LLC, for Public Relations consultation and assistance on an as needed basis. Mr. Ortega then asked Chief Procurement Officer to provide further details. Ms. Bowens reported the Agenda Professional Services Agreement Procurement type is a Statewide purchase agreement under $20,000.00. The contract type is a one-year renewal, and the compensation rate has not changed from last year and is preset based on the Statewide pricing agreement. Ms. Bownes further reported this procurement meets State Statues 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:
Lucero

Second:
Merrick

Ayes: 5

Nays: 0

<u>f) Request for Approval of an Agreement between Eastern New Mexico Water Utility Authority (ENMWUA) and City of Texico for providing Interim Operations and Maintenance of the ENMWUA Texico Lateral. – Ortega, Barnett</u>

This item was tabled for future approval.

A motion was made to table this item until next month's regular Board Meeting on July 25, 2024.

Result: Approved by Vote (5-0)

Motion:
Dixon

Second:
Garza

Ayes: 5

Nays: 0

g) Informational/Acknowledgement of the Submission of the 2024 defense Community Infrastructure Program Grant Application. – Morris, Ortega, Bowens

Mr. Ortega shared that the ENMWUA has prepared and submitted a 2024 Defense Community Infrastructure Program Grant Application. The grant application amount is $20 million with a due date of June 17, 2024. Mr. Ortega further explained that the Authority submitted the application on June 13, 2024, with the funding earmarked for the Raw Water 1 pipeline project. Grants must be awarded, counter-signed, and obligated no later than September 30, 2024. Mr. Ortega expressed his gratitude to Chairman Morris for encouraging the Authority to submit this application and to secure a letter of support from Colonel Jeremy Bergin, USAF Commander of the 27th Special Operations Wing.

No action was taken on this item.

8. Unfinished Business – N/A

9. Reports from Board Members and Staff

a) State Activities – Thompson

Mr. Thompson advised that he has been meeting with the Legislative Finance Committee and the question that is being posed is should the Authority meet with the entire committee? Mr. Thompson stated that the focus is to try and get money next year so that the Authority can continue to attract and match with Federal money. Mr. Thomson shared that he has met with Cally Carswell who is the Legislative Finance Committee Analyst and oversees all Capital projects in the State. He explained that Ms. Carswell recommended an interim meeting before the ENMWUA meets with the LFC. Mr. Thompson stated that his recommendation would be for the Authority and team to meet with Cally Carswell as well as Charles Salle on July 03, 2024.

b) Federal Activities – Ryan

Mr. Ryan was absent.

c) Project Development Activities – Jacobs, Jim Honea

FW1 – Mr. Olmos with Oscar Renda Contracting reported pipe installation is 71% complete (approx. 11 miles). Temporary fencing (Orange) is 95% complete (approx. 13 miles). Vaults are currently in progress 27% complete on CARV/BO/ISO/PRV Vaults. Fiber optic conduit installation is 71% complete (approx. 11 miles). Restoration topsoil replacement is 21% complete (approx. 3.17 miles). The substantial completion date is March 06, 2025, and final completion date is May 05, 2025.

FW3B – Mr. Honea advised FW3B construction will start July 2024. A property owner meeting was held June 25, 2024, along with a pre-construction meeting on June 26, 2024.

RW3 – Mr. Honea stated notice to proceed construction pre-mobilization was June 21, 2024. Raw Water 3 kickoff meeting was held this morning on June 27, 2024.

Texico Lateral – Mr. Honea informed the Board Members Jacobs is finalizing 100% documents for NMED permitting submittal. He stated that a meeting with Texico/EPCOR is scheduled for June 25, 2024.

RW1/RW2 – Mr. Honea reported on RW1A and RW1B Jacobs is progressing 100% design. RW2, Jacobs is progressing 60% design.

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

Intake Pump Station – Mr. Honea explained Jacobs is progressing 90% design. A property owner meeting was held June 24, 2024.

Caprock Pump Station/Caprock Tanks – Mr. Honea advised Jacobs is progressing 90% design.

Water Treatment Plant – Mr. Honea stated the pilot plant is progressing detail design and coordinating with the contractor on materials and construction. He further stated that Jacobs is finalizing the pilot equipment skid design and rental contract. Mr. Honea updated the Board Members on the injection well investigation and advised Jacobs is coordinating with State Regulators on the permitting process. He reported that Jacobs has started preliminary design of injection well. Bryor Price with Jacobs Engineering then gave a detailed spotlight on the WTP Pilot Plant. He explained that the purpose of the pilot plant is to validate and refine treatment process assumptions as well as confirm total dissolved solids (TDS) and total organic carbon (TOC) removal. Mr. Price shared the design status and advised that Jacobs is coordinating with IPS design as well as with the steel building manufacturer.

d) Ute Reservoir USGS Report – Bowens

Currently the Ute Reservoir Storage in ac/ft as of May 21, 2024, the Reservoir was at 155,900 ac/ft and as of today June 20, 2024, was reported at 153,100 ac/ft for a loss of 2,800 ac/ft. The Ute Reservoir Water Surface Elevation in ac/ft as of May 21, 2024, was reported at 3,781.03 ft and as of today June 20, 2024, was reported at 3,780.56 ft for a loss of 5.64 inches.

e) Report from the Chair – Morris

Chairman Morris expressed his gratitude for everything the ENMWUA Team has done for the project. He thanked all Board Members for their continued contributions and advised that it has been a pleasure to serve with everyone.

f) Report from the Administrator – Ortega

Mr. Ortega reported the ENMWUA completed and submitted the 2025 Interim Budget on Friday, May 31, 2024. He shared that the Authority received notice from NMDFA of the approval of the Interim Budget on June 03, 2024. Mr. Ortega stated that after July 1, 2024, the Authority will begin to work on adjustments to the budget and will be bringing the final budget along with a resolution to the Finance Committee and then to the Board for approval on July 25, 224. He informed the Board Members that the Authority has met with the NM ISC on Friday, June 31, 2024, and updated them on the WTP Pilot Plant and its activities over the next few months. Mr. Ortega explained the ENMWUA has continued to prepare for the strategic work session #2 for the small working group. He shared that the Authority conducted an all-day O&M training on Friday, June 07, 2024, covering the FW2/Cannon Lateral, and FW3A. ENMWUA operators have conducted some O&M along with some extensive weed control. Administrator Ortega stated the Authority has drafted the ENMWUA Texico Lateral O&M agreement and are now waiting for the Texico City Council's approval.

10. Future Agenda Items

a) Next Regular Meeting, Date, Time, and Location: Thursday, July 25, 2024, at 3:00 p.m. at the Clovis City Hall (Assembly Room), 321 N. Connelly Street, Clovis NM, 88101.

11. Public Input

12. For the Good of the Order

13. Adjournment

Meeting adjourned officially at 4:29 pm

X

Michael A. Morris
Chairman

X

Chris Bryant
Secretary