

**MINUTES OF THE  
2,162<sup>nd</sup> REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
APRIL 13, 2020**

**COVID-19 Response: This Meeting will be Held Telephonically Only –  
The Office is Closed to the Public**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:01 pm at the MRGCD General Office. The following Directors and Staff were in attendance:

<b>DIRECTORS</b>		<b>STAFF</b>	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Present	Dr. Chuck DuMars	Chief Water Counsel
John Kelly, Director	Present	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	David Gensler	Water Operations Manager
Michael T. Sandoval, Director	Present	DeAnna Phillips	GIS Tech
Barbara Baca, Director	Present	Jason Casuga	Engineer Manager
Stephanie Russo Baca, Director	Present	Melin Villegas-Vargas	Accountant Supervisor
		Christine Nardi	Human Resources Director
		Adrienne Martinez	Engineer 1
		Becky Burnham	Budget Analyst
		Judy McSweeney	Accountant
		Casey Ish	Water Resource Specialist
		Sloan Washburn	Belen Division Manager
		Alicia Lopez	Engineer 1
		Yasmeen Najmi	Planning Specialist
		John Thompson	MRGCD Lobbyist

The following names of individuals were interested listeners and/or participants:

Pam Fanelli, City of Albuquerque	Jeff Willis, AMAFCA
Jerry Lovato, AMAFCA	Jaclyn Burdine, Office of State Engineer
Carolyn Donnelly, Bureau of Reclamation	Ian Hewitt, Office of State Engineer
Jennifer Faler, Bureau of Reclamation	Sue Small
Ray Hartwell, Summit Conservation Strategies	Viola Sanchez, Bureau of Indian Affairs

**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Madam Chair Dunning declared a quorum and noted that the meeting was publicly noticed. Due to COVID-19, the meeting was held telephonically. All Board Members and staff identified themselves on the call and also gave the phone number they were calling in from. Members of the public that called in were asked to identify themselves, identify their phone numbers, as well as note if they intended to address the Board under "Items from the Floor."

Since today's meeting is being held telephonically, all votes taken by the Board for today's meeting will occur via roll call vote.

Madam Chair Dunning led the Pledge of Allegiance at today's meeting.

**AGENDA ITEM NO. 2 – APPROVAL OF THE MRGCD BOARD MEETING AGENDA**

Madam Chair Dunning asked that the following changes occur:

- Move Item 8.b. (Finance Committee Report and Recommendation of FY 2021 COLA, April 7, 2020) under Item 6.e. (Recommendation by the Finance Committee for the Cost of Living Allowance (COLA) to be Applied to Wages and Salaries for MRGCD Employees for the Proposed FY21 Budget).
- Move Item 8.a. (Report on Personnel Committee Meeting, April 2, 2020) to after the Executive Session, when the vote occurs on Approval of Recommendations of the Personnel Committee.

Director Moore made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Kelly seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.

### **AGENDA ITEM NO. 3 – CONSENT AGENDA**

- Consideration/Approval of Payment Ratification - April 13, 2020
- Consideration/Approval of March 2020 Invoice for Wiggins Williams & Wiggins
- Consideration/Approval of March 2020 Invoice for Law & Resource Planning Associates, PC
- Consideration/Approval of Minutes for Regular Board Meeting - March 9, 2020
- Consideration/Approval Belen Division Building Remodel, Jason Casuga, Engineering Division Manager, and Sloan Washburn, Belen Division Manager
- Consideration/Approval of Fund Transfer Request to Pueblo of Isleta for Sediment Transport Modeling by Tetra Tech Scope of Work from MRGCD Contribution of the Isleta Dam Settlement, Jason Casuga, Engineering Division Manager
- Consideration/Approval of SWCA Contract for MRGCD Drain Outfall Sampling and Analysis Plan Spring/Summer/Fall 2020, Casey Ish, Water Resource Specialist
- Memo on MRGCD Approved Licenses for March 2020 (For Informational Purposes Only)

Madam Chairman Dunning noted that there was audio difficulty for the last regularly-scheduled Board meeting that occurred on March 9, 2020. Therefore, the minutes for March 9<sup>th</sup> are not as robust as usual. Per the Open Meetings Act, the following is what is required by a Board to contain in its minutes: Directors in attendance of that particular meeting, Directors identified on who made motions and seconded motions, and the topic and result of votes. In the interest of public transparency, robust minutes are typically produced each month that contain as much information as possible, which will continue to occur in the future.

Director Moore asked about a line in the Payment Ratification identified as payment of \$2,579.12 for a conference in Orlando, Florida, April 26-29. Mr. Hamman responded that all conferences for MRGCD have been canceled due to COVID-19 until further notice; however, this conference required an advanced deposit which was also prior to COVID-19. MRGCD attendance was canceled, and the refund has been received.

Director Baca made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Sandoval seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously**.

**AGENDA ITEM NO. 4 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)**

**Pamela and Burton McKenzie**

Mr. and Mrs. McKenzie reside in Los Lunas, New Mexico. Director Russo Baca was given a letter by the McKenzie’s, which was summarized by Director Russo Baca during the meeting and is attached hereto as an official part of the meeting minutes:

Comments to MRGCD Board Meeting, March 23, 2020  
 (Meeting closed, so comments sent via email to staff and Board Member with request to be read into the meeting minutes)

MRGCD Gate installation: La Costancia, between San Fernandez and Hob Roads.

History:

- Application initiated June 13, 2019 by Sharon Manzanares and sent to Jason Casuga, P.E. at MRGCD
- No indication of any contact with irrigators using this community ditch from the San Fernandez (North) side of said ditch.
- Gate installation petition (undated) submitted to MRGCD with partial list of irrigators attached; signatures of irrigators do not include Salazar, Gonzales, and McKenzie who irrigate from that community ditch from the North side, all three irrigators reside on San Fernandez Road.
- Gate installed @ Nov/Dec 2019; still with no contact with San Fernandez irrigators (except Morgans, who do not irrigate).
- I, Pamela McKenzie, commenced communication with Matt Martinez in December 2019; told still no resolution on keys or access; decision forthcoming before the irrigation season starts 1 March, 2020.
- Continued communication with Matt Martinez, Jason Casuga, and Board Member Russo-Baca. No resolution; Board still in discussion over this ditch access.
- Letter dated March 4<sup>th</sup>, 2020, sent to all irrigators who need ditch access to irrigate, sent with attached "license"/contract that must be signed prior to having access granted to use a vehicle to get to turnout to water.

• Questions:

1. MRGCD has an advanced GIS system; why were all the parcientes not identified from that map (attached to both petition and contract) and contacted?
2. MRGCD has a low-tech option: ditch riders who know each and every irrigator, and their designated substitutes. Why was ditch rider not queried in order to have a complete list? If he was contacted, how were the San Fernandez irrigators missed?
3. Given the uneven application of your gate policy across this, and all your counties, how is this "special use" contract and curtailment of access legal?
4. Hob Road and San Fernandez Road bracket the most dangerous location on Hwy 47: Dead Man’s Curve. This curve, with a high wall blocking line of sight, is a frequent site of multiple car accidents. First responders typically redirect traffic down Hob and San Fernandez to the ditches to move traffic. Legal or not, it happens, and is now blocked. **Is MRGCD in consultation with DOT regarding this confluence of bad planning by two Agencies that is becoming the locus of a perfect storm?**
5. Will MRGCD Board commit to having discussions with the District 3 Engineer at DOT regarding the above issue, before it becomes a disaster?
6. Is MRGCD aware of the unintended consequences of gating a section of the ditch? Lack of vehicular traffic is allowing the surface to become soft and sandy, inviting all those digging critters to move in; I counted 28 new diggings between the gates as I walked the length of that closed area.

7. Is the MRGCD Board aware of the poor/raw finishing on parts of the gate? I put my hand in the box with the padlock on the North end to check it out; the edges are raw, unfinished and quite sharp. Certainly, there is liability attached to MRGCD if there is an injury to anyone using the box to access the padlock. Has the Board asked field staff to examine the padlock boxes for safety? Are you committed to addressing these safety issues immediately?
8. MRGCD staff state that this is a short-term contract for this watering season. Do all the other gates have contracts for access? Do you even know? This certainly is an equity issue and appears quite discriminatory.

**Requests:**

1. Withdraw the demand for signature of the special license/contract from all parciantes using the community ditch off La Costancia between Hob Road and San Fernandez Road immediately.
2. Lock the gate in the **open** position until MRGCD Board complies with their own current policy, or issues a new, consistent policy for all gates in all their counties.
3. Review your own gate policy with regard to the following: a) 4.2.A: can MRGCD demonstrate that the public notice signs were posted and that the posting was documented in a manner that would satisfy legal inquiry? b) 4.3: MRGCD has violated their policy to notify **all** property owners who are affected by this placement of a locked gate by not contacting and obtaining signatures from three community irrigators who reside on San Fernandez Road; this would not pass legal inquiry/scrutiny.
4. Request a meeting with the District 3 Engineer at DOT to discuss the intersection of issues created by this gate and the dangerous access to HWY 47 at Dead Man's Curve.
5. Communicate, in writing, to myself and my husband Burton, who are parciantes on the above discussed community ditch, how you will respond and take action on the above requests.

Sincerely, Pamela & Burton McKenzie  
 26 San Fernandez Road, Los Lunas, NM 87031  
[be.mac@comcast.net](mailto:be.mac@comcast.net)  
 (505) 865-4590

In response to the letter, Jason Casuga added that the gates in question were put up following what MRGCD believes is existing policy. A request was made, and petitions were provided by community members. A small committee has been put together involving the Engineering Department, and Directors Baca and Russo Baca. Due to the COVID breakout, they have not been able to meet; however, now that everyone is settled into telecommuting, Mr. Casuga is certain a teleconference will be held within the next couple of weeks with this committee to discuss the current policy, and if changes are to be made, to bring it up to the Board.

Of note is that MRGCD policy is that it makes a good faith effort that everybody be notified; however, if someone was not notified, is not a violation to the policy. Likewise, an affirmative response is not a requirement.

Director Baca added that this is a big issue and sometime should be spent coming up with a refined policy. Consequently, she believes a full recommendation will not be ready by the May meeting. She would like Mr. Casuga to contact the McKenzie's and let them know that MRGCD is working on this issue, as well as report on the status in the next meeting.

Madam Chair Dunning reminded everyone that if there is a change in policy, the public must be given a 30-day response period. Lorna Wiggins agreed with this statement. Therefore, a quick resolution will not occur with this issue due to the steps that must be taken.

## **AGENDA ITEM NO. 5 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR**

### **a. Bureau of Reclamation - Jennifer Faler, Area Manager**

Jennifer Faler reported that they are now at a level 2C, continuing operations with minimal staffing, which keeps all project and facilities open. They are operating under split crews. She feels BOR is in a really good position to continue to operate and maintain projects, including the San Juan-Chama project and continuing with the diversions up in Colorado.

Ms. Faler is deploying someone from the Elephant Butte field division to look at the stream gauges and measuring equipment at San Juan-Chama project. Socorro field crews are continuing to work on the BDA realignment which is a project that is critical for efficient deliveries of water, down to the Rio Grande Project in Elephant Butte. They have delivered about 4,000-acre feet of minnow leased water from San Juan-Chama supplies in the last week or two. EP1 Irrigation District started operating in March. Elephant Butte Irrigation District came on 4/13/20 with a pretty low release so, both districts are up and running with water released from Elephant Butte. Projections are that we will go back into Article VII in July.

Ms. Faler has a letter deeming anyone carrying the letter to be mission essential and said she would be sending that letter to Mr. Hamman for any MRGCD folks that would like to carry one on their person, given the current situation of COVID.

Madam Chair Dunning asked if Ms. Faler believes there will be a minnow spike this year. Carolyn Donnelly responded (for Ms. Faler) that if the runoff is extremely low, they may need to do "jiggles," wherein MRGCD drops the release to the bypass at a diversion dam and then a day or so later bring it up quite a bit, which is mostly for egg collection. She does not believe there's going to be enough water to do any particular thing from El Vado or from an upstream dam.

### **b. Bureau of Indian Affairs - Viola Sanchez, Designated Engineer**

Viola Sanchez went over the written report that she sent in prior to today's meeting. Ms. Sanchez reports that as far as the Prior and Paramount storage for the pueblos and El Vado, as of 4/1/20 forecast, is about 19,700-acre feet, including evaporation, which is down from the 3/1/20 forecast of 22,800-acre feet. Ms. Sanchez believes it will go down for the 5/1/20 forecast, and that is the final number that will be used to base the actual storage on.

In 2018, an agreement was reached between the pueblos and the District to allow the District to go through the pueblos' water (non-native water) first, prior to dipping into the San Juan-Chama water. The reasoning behind that decision was twofold. One is the water is subject to Article VII of the Compact if we get to the end of the irrigation season with water stored in El Vado. The second reason is to have the District going continuously through the irrigation season without having to stop and start. MRGCD is interested in having a similar agreement this year. The difficulty mostly lies in that most of the pueblos are either working from home or are shut down.

Ms. Sanchez gave a status on her agency's work status with COVID-19. All staff for BIA is telecommuting through April 30, or until further notice. They can return to the office to pick things up but must leave quickly. Ms. Sanchez is free, however, to meet with the pueblos or District staff, as long as she adheres to COVID-19 social distancing rules. She reported that the pueblos' health falls under the Department of Health and Human Services. She only knows what she hears on the media insofar as the health of each pueblo.

Regarding operations and maintenance, the off-season work went very well, and the pueblos are coming on board with Dropbox, in particular Santo Domingo. She recognized Daniel Arquero and the Cochiti Division, as they added quite a few turnouts.

Regarding funding, we are coming up to the end of the current contract with BIA and the District, which expires February 28, 2021. She needs to get the District \$360,921.75 to carry MRGCD to the end of the contract. The paperwork has been submitted. She does know when this will occur with the current environment; however, she does not anticipate any issues as current funding as there is enough to take MRGCD through December 1, 2020.

Ms. Sanchez is preparing some information for the new BIA/MRGCD contract. She has gotten some ad valorem tax information from every county except Bernalillo. She will be working on the data and will work with Mr. Hamman as it is available.

Madam Chair Dunning and Director Baca noted that they found the written report submitted by Ms. Sanchez prior to the meeting to be extremely helpful, and they thanked her for doing it.

Madam Chair Dunning asked Ms. Sanchez and Mr. Hamman if MRGCD knows the protocols of access the pueblos now that, with COVID-19, many of the pueblos are on curfews or closed. Ms. Sanchez responded that she has not heard of any problems with the District being able to access the pueblos. She does not believe there would be a problem with access. Some of the pueblos have ditch riders that are members of their respective pueblos, so that would help; however, she does not think there is an access issue.

Director Baca commented on how professional and helpful that Ms. Sanchez sent a written report for this telephonic meeting.

2020 STORAGE REQUIREMENTS FOR PRIOR AND PARAMOUNT LANDS												
Final Storage Volume is Based on the May 1 Forecast												
2020	Month	Total Six Middle Rio Grande Pueblo Diversion Demand (ac-ft) for 8,847 Acres	Water Supply -- Rio Grande at Otowi (acre-feet)					Storage Requirement (acre-feet)				
			Late Summer Months Low of Record 1956 (Otowi Index)	Portion of Spring Runoff During Current Month through July (1934)	Forecasted Volume Remaining from Current Month to July	Anticipated Storage at El Vado for MRGCD and/or Indian Lands	Total Water Supply at Otowi	Usable Flow		Shortage without Supplemental Supply at Otowi	River Efficiency El Vado to Otowi	Storage Requirement
								Factor	Range			
			March 1 Forecast (Mar-Jul) =	460,000	acre-feet	64% of Average 720,000 ac-ft						
			Mar-Jul: 60% x 460,000 =	276,000	acre-feet							
March Forecast	March	1,895		23.4%	64,584							
	April	6,470		37.6%	103,776							
	May	11,512		23.1%	63,756	0	63,756	31,878	0	0.8	0	
	June	17,197		8.7%	24,012	0	24,012	14,407	2,790	0.8	3,487	
	July	15,796		7.2%	19,872	0	19,872	11,923	3,873	0.8	4,842	
	August	11,772	7,900		0	0	7,900	5,530	6,242	0.8	7,803	
	September	9,384	6,500		0	0	6,500	4,550	4,834	0.8	6,042	
	October	3,595	10,500		0	0	10,500	7,350	0	0.8	0	
	November	105	16,700		0	0	16,700	10,020	0	0.8	0	
	Total	77,727		100.0%	276,000	0	149,240	85,658	17,739			22,174
	Evaporation Losses:										650	
TOTAL P&P STORAGE TARGET USING MARCH 1 FORECAST											22,824	
			Apr 1 Forecast (Mar-Jul) =	385,000	acre-feet	53% of Average 720,000 ac-ft						
			Apr 1 Forecast (Apr-Jul)	330,000	acre-feet	52% of Average 635,000 ac-ft						
			Apr-Jul: 70% x 330,000 =	231,000	acre-feet							
April Forecast	March	1,895									0.8	
	April	6,470		48.9%	112,959	0	112,959	56,480	0	0.8	0	
	May	11,512		30.3%	69,993	0	69,993	34,997	0	0.8	0	
	June	17,197		11.4%	26,334	0	26,334	15,800	1,397	0.8	1,746	
	July	15,796		9.4%	21,714	0	21,714	13,028	2,768	0.8	3,460	
	August	11,772	7,900		0	0	7,900	5,530	6,242	0.8	7,803	
	September	9,384	6,500		0	0	6,500	4,550	4,834	0.8	6,042	
	October	3,595	10,500		0	0	10,500	7,350	0	0.8	0	
	November	105	16,700		0	0	16,700	10,020	0	0.8	0	
	Total	77,727		100.0%	231,000	0	272,600	147,755	15,241			19,051
	Evaporation Losses:										650	
TOTAL P&P STORAGE TARGET USING APRIL 1 FORECAST											19,701	
Actual storage amount is determined from the May 1 forecast and may change from the above number which is based on the April 1 forecast.												
Evaporation may be recomputed for the May 1 forecast.												

**AGENDA ITEM NO. 6 – REPORT(S) FROM THE CHIEF ENGINEER (Mike A. Hamman)****a. Report on Water Supply Conditions and General Water Operations - David Gensler, Water Operations Division Manager**

David Gensler reported that Colorado diversions are fully on-line now. They started up around the first of the month and dramatically affected flow in the Rio Grande. Flows crossing the state line into New Mexico have dropped to as little as 70 CFS; very little water coming across the state line. That had a pretty strong impact on our flows up at Otowi Gauge, which are at about 950 CFS due to the rain and some reservoir operations (Otowi got as low as 700 CFS last week).

La Puente Gauge (that's the measurement for inflow to El Vado) was also quite low, but it has come up a lot the last few days, indicating some of the snow has started to melt. We saw as much as 450 CFS at the La Puente gauge over the weekend. So, we are storing some water now at El Vado, not a lot yet, but our storage operations started in January.

The April 1 forecast is out, which was reduced from the March forecast. There were only some minor accumulations of snow during the month of March. The San Juans are tending to lag behind the Sangre de Cristos in terms of snowpack. The Rio Chama Basin over in the San Juans is right now sitting at about 73% of normal, while the Sangre de Cristos are around 95% of normal. The forecast for runoff into El Vado is for 118,000-acre feet, April through July, or 58% of average. These are not very good numbers but still potentially enough to fill the available space in El Vado just barely. Cumbres Trestle SNOTEL reports 73% of average snow-water equivalent today (there is 18.7 inches of water sitting up in the snowpack there).

Mr. Gensler anticipates a full allocation of 2020 San Juan-Chama water. We've already received 46% of our 2020 allocation, and the tunnels really have not even started to move any water yet. That is a fortunate outcome of the wet conditions last year in that Reclamation was able to store extra water for the project last year.

Flow through the Middle Rio Grande got really tight last week, meaning there was not a lot of excess water to go around. There was enough for our needs but just barely, and Reclamation had to start releasing some supplemental minnow water. We guaranteed Reclamation a minimum bypass of 125 CFS below Isleta Dam as a result of their minnow release, and our return flows in addition to that bypass kept San Acacia generally around 200 CFS, enough to prevent any early season drying but definitely a lot less water than anybody would like to see in the river at this time of the year.

The District has not really had much area of concern as far as irrigation delivery goes. Demand increased noticeably last week. With the cooldown and precipitation, those demands have kind of eased again. The Socorro Hub Pumping Station is now operational and ready to be called into service at a moment's notice to supplement the southern end of the Socorro Division.

Cochiti is running pretty much normally on about 130 CFS diversions. The Albuquerque area has a diversion of about 100 CFS providing 135 CFS to the Albuquerque Main Canal. Isleta is generally diverting around 400 CFS, though, since we have a fixed bypass rate now below the dam for the minnow, the diversion rate is variable throughout the day as upstream returns ebb and flow. San Acacia Dam is not diverting. We are still supplying 155 CFS into the Socorro Main Canal from that water that's being diverted at Isleta Dam.

Director Russo Baca asked if the ISOs are aware of the policy where any individual is in arrears of no more than one year of paying their water service charge and how it affects constituents' access to water. Mr. Gensler responded that the ditch riders are aware of the policies. In the ditch riders' log books that go out every spring, we have identified properties that there are issues or that have to be clarified. The ditch riders understand that before they are to irrigate that property, they require the landowner to call to MRGCD's Assessments Division and clarify what those issues are; sometimes its taxes, sometimes its water bank charges. We have had that practice now for several years on updating the ISOs. Of course, because of the current situation now with the COVID-19 issues and not being fully staffed at times, some things cannot be cleared up immediately. Mr. Hamman had issued a directive that we can allow irrigators to take water, understanding a little bit of time may have to elapse before they can communicate with Assessments and get the issue on the billing cleared up.

Madam Chair Dunning asked if, due to COVID-19, Mr. Hamman had heard of any counties extending the deadline to pay property taxes. Mr. Hamman has not heard of any counties in the four-county area that are planning to implement that policy.

**b. Report on Business Continuity Plan COVID-19 Response Implementation - Mike Hamman, CE/CEO**

Mike Hamman first thanked the Board for taking action on the proposed Business Continuity Plan at the March 9th Board Meeting. It gave MRGCD staff flexibility and authority to move quickly to address orders from the Governor's Office. Mr. Hamman also gave kudos to the IT staff and Jason Casuga for quickly and efficiently getting all staff up and running with telecommuting.

In the field, Mr. Hamman has given division managers full authority to do what they need to do in terms of issuance of vehicles, trucks, equipment, PPE masks, sanitizing materials, etc. to make sure everybody is as safe as possible.

There have only been a few reports of MRGCD folks requiring COVID testing (usually from contact within their time outside of work), and so far, all tests have been negative. Four MRGCD staff members were caught up in the 14-day San Felipe Pueblo quarantine process.

Demand for water from the pueblos is relatively low, but MRGCD is continuing to work closely with the pueblo partners. Mr. Hamman wished the San Felipe community and all other pueblo communities, Navajo Nation, and Jicarilla, well during the COVID breakout.

Mr. Hamman found a manufacturer in Belen that was producing higher quality, reusable, cloth masks, and they are being distributed to all staff.

While everyone is out of the office and closed to the public, Mr. Hamman has the contractor working on the building remodel. They have added more crews, and all demo work has been completed.

All in all, Mr. Hamman believes that the District is running smoothly considering the current COVID-19 environment.

Director Kelly chimed in that he agrees with Mr. Hamman that social distancing is the wrong term being used. He thinks the MRGCD should call it ditch bank distancing.



Director Russo Baca noted that she has seen an increase in four-wheeler and motorcycle activity on MRGCD property. Discussion ensued regarding more people accessing "nature" now that they are home and the increased activity due to school being out. It was noted that anyone seeing illegal activity should call law enforcement immediately. While the priority given this type of call is low, the call should still be made for reporting. Chair Dunning agreed that there are more challenges during this time. Mr. Hamman noted that this is a difficult situation and something MRGCD will have to constantly deal with as the District urbanizes.

**c. El Vado Dam Safety Construction Repayment Agreement Development - Mike Hamman, CE/CEO**

Mike Hamman reported that the agreement is going through a fairly rigorous process now in that the Bureau of Reclamation Dam Safety Team has finally developed the preferred alternative, as well as the NEPA work will be wrapping up relatively soon. The process has gone through several evolutions in terms of the construction plan and schedule, including the addition of safety features on the top of the dam. The price is now sitting at \$100M. Mr. Hamman has calculated MRGCD's portion to be about \$15M over a 50-year repayment plan at 0% interest, which calculates out to approximately \$320,000 annually (it can be paid in a one-time payment per year or quarterly). Mr. Hamman anticipates coming to the Board for an authorizing resolution in June.

Madam Chair Dunning asked if repayment begins immediately or if there is a grace period before starting repayment. Mr. Hamman responded that the repayment obligation begins some period after construction is complete. There is no grace period.

Director Kelly gave his full support in moving forward as planned.

**d. FY 2021 Budget Development and Approval Process - Mike Hamman, CE/CEO, and Directors Kelly, Moore, and Baca (Members of the Finance Committee)**

Mike Hamman reported that currently MRGCD is a little ahead of the curve on revenue stream thus far. He does not know the exact number yet; however, he believes MRGCD is right on target with most issues on the third quarter operations from a cash flow perspective, as well as from an accomplishment perspective. The Finance Committee, with Mr. Hamman's concurrence, recognizes that there is salary savings surplus of around \$150,000 and there are likely significant operational savings to be discussed.

Madam Chair Dunning asked if the surplus of \$150K included the Isleta project. Mr. Hamman replied that the budget surplus is from salary savings, and that the Belen Division remodel and the \$82,000 for the Isleta Diversion project would be in addition to salary savings.

Discussion ensued regarding the ad valorem, wish list for updating our fleet and how well the financial staff worked without a CFO in the last few months.

**e. Recommendation by the Finance Committee for the Cost of Living Allowance (COLA) to be Applied to Wages and Salaries for MRGCD Employees for the Proposed FY21 Budget - Directors Kelly, Moore, and Baca**

Director Kelly reported that the Finance Committee accepted the staff recommendation for a tiered cost of living allowance this year:

<u>Annual Salary Range</u>	<u>COLA</u>
\$25,000 to 30,000	3.5%
\$31,000 to 36,000	3.0%
\$37,000 to 42,000	2.5%
\$43,000 to 49,000	2.0%
\$50,000 to 72,000	1.5%
\$73,000 to 86,000	1.0%
\$87,000 to 113,000	0.5%
\$114,000 and up	0.0%

It is roughly 2% impact on the payroll budget, but it is staggered wherein lesser-paid classifications will receive greater than 2% COLA and higher-paid classification will taper down to where classifications making more than \$114,000 per year will not receive a COLA. Director Kelly believes that this recommendation would treat everybody the same with regard to take home dollars in their paychecks.

The Finance Committee recommends approval by the Board of the above tiered COLA.

Madam Chair Dunning asked if we knew the numbers yet on the increase of health insurance premiums. Christine Nardi should get that number on Thursday of this week; however, Mr. Hamman said it would be somewhere around 6% overall increase for health insurance and 3% increase in dental and vision insurance. Madam Chair Dunning expressed concern that this COLA would affect the hard work that had been done to get everybody caught up so that they are in the appropriate place in the classification system. Mr. Hamman responded that the committee thinks there is enough separation between the steps currently and between the classifications where a one-time adjustment like this would be fine. He believes good steps have been taken to address as the new grade/step system is fully implemented.

Director Kelly made the **MOTION TO ACCEPT THE RECOMMENDATIONS OF THE FINANCE COMMITTEE FOR THE COST OF LIVING ADJUSTMENT, AS PRESENTED, AS WELL AS APPROVE THE FINANCE COMMITTEE REPORT (Item 8.b. below).** Vice Chair Baca seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED** unanimously.

**AGENDA ITEM NO. 7 – REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel**

**a. Report on the Blue Buffalo/City of Santa Fe Water Rights Transfer Settlement Agreement – Dr. Charles DuMars, Chief Water Counsel**

Chuck DuMars gave a brief history on this protest and how complex it had gotten, to the point where MRGCD and City of Santa Fe agreed to work together toward settlement negotiation,

including timeframes in which this would start. There are a series of timeframes that Dr. DuMars and Mr. Hamman would like to get going. They had previously said it would begin in about two weeks; however, with COVID-19, the schedule will need to be adjusted. Dr. DuMars hopes to pursue final settlement agreement that they would bring back to this Board and Santa Fe City Council. Then that would be the actual agreement that would lay out responsibilities.

Mike Hamman added that he thinks MRGCD has a good working relationship with the water folks in Santa Fe. The real focus is going to be on what we plan to do as a regional group to really manage water for the benefit of all.

Dr. DuMars added that he believes that once MRGCD started this process with the City of Santa Fe, it caused them to have their own internal debates. He believes they are genuine in wanting to finalize this settlement.

Madam Chair Dunning suggested that the City of Santa Fe look at the agreement and sign off on it before MRGCD, in case they have any changes they wanted to make. Dr. DuMars agreed.

**b. Report on MRGCD Amicus Brief in support of Petition for a Writ of Certiorari in the United States Supreme Court in Baley v. United States - Dr. Charles DuMars, Chief Water Counsel**

Dr. DuMars reported that the Amicus Brief is a very big deal. There are 19 irrigation districts and other comparable entities from Washington to Idaho to Oregon to California that are participating. There is a great deal of concern about this case. Dr. DuMars was asked to present the Amicus Brief. The brief was fairly narrow. They stressed the importance of collaboration and how it is important to collaborate and work with Native American Reservations to use the legal tools that are available for adjudication. He pointed out that MRGCD coordinates and collaborates with the pueblos in its districts. He is hoping the Court will take the case, and if they do, it would not be heard until next session. Vice Chair Baca asked for a copy and Dr. DuMars will send the brief to all directors for their review.

**AGENDA ITEM NO. 8 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS**

**a. Report on Personnel Committee Meeting, April 2, 2020 - Chair Dunning and Directors Kelly and Russo Baca**

The Personnel Committee Report, which only included items pertaining to the hiring of the CFO, was moved to Executive Session. Please see below, Item 9.1.

**b. Finance Committee Report and Recommendation of FY 2021 COLA, April 7, 2020 - Directors Kelly, Moore, and Baca**

This item was discussed and approved above in Item 6.e.

**AGENDA ITEM NO. 9 – EXECUTIVE SESSION**

**a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)2**

1. Limited Personnel Matters - Discussion of Hiring of the CFO.

Madam Chair Dunning explained how the Executive Session would work, wherein all members of the public would disconnect from the call (if they do not disconnect from the call, Jason

Casuga will disconnect any lines other than Board Members). Members of the public can rejoin the call after Executive Session, which they determined to be approximately 5:15 pm.

Chair Dunning requested a motion to move into Executive Session.

Vice-Chair Baca made the **MOTION TO GO TO INTO EXECUTIVE SESSION WITH MEMBERS OF THE PUBLIC MAY REJOIN AT 5:15.** Director Moore seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously.**

Chair Dunning adjourned the meeting at 4:59 pm.

Chair Dunning reconvened the meeting at 5:37 pm.

Director Kelly made the **MOTION TO RETURN TO REGULAR SESSION.** Director Moore seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chairwoman	Yes		

The **MOTION CARRIED unanimously.**

Chair Dunning said discussion was had and no decisions were made, nor were any votes taken.

Director Kelly made the **MOTION THAT MRGCD WILL ENGAGE PAMELA S. FANELLI AS ITS CHIEF FINANCIAL OFFICER UNDER THE TERMS AND CONDITIONS OF THE CONTRACT THAT WERE DISCUSSED DURING EXECUTIVE SESSION.** Director Moore seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Abstain
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED.**

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE PERSONNEL COMMITTEE MEETING, APRIL 2, 2020.** Director Sandoval seconded the motion.

Roll call vote was administered.

Director Baca	Yes	Vice Chair Baca	Yes
Director Sandoval	Yes	Director Moore	Yes
Director Kelly	Yes	Director Russo Baca	Yes
Madam Chair Dunning	Yes		

The **MOTION CARRIED unanimously.**

Madam Chair Dunning and all directors welcomed Pamela Fanelli as the new CFO of the Middle Rio Grande Conservancy District. Ms. Fanelli will begin on May 4, 2020.

Ms. Fanelli thanked the Board and looks forward to working for the MRGCD.

Mike Hamman complimented all directors, particularly Madam Chair Dunning, for keeping the meeting in compliance with the Open Meetings Act during the District's first telephonic Board Meeting.

With no further comments, questions or concerns, Director Moore made the **MOTION TO ADJOURN THE MEETING.** Director Baca seconded the motion. The **MOTION CARRIED unanimously.**

The meeting was adjourned at 5:46 p.m.

Approved to be the correct Minutes of the Board of Directors of April 13, 2020.

**ATTESTED:**

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Pamela Fanelli, CMA, CGFM  
Secretary/Treasurer

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Karen Dunning, Chair  
MRGCD Board of Directors