

**MINUTES OF THE
THREE THOUSAND TWENTIETH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JANUARY 8, 2018**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:10 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS

John P. Kelly	Chairman
Glen Duggins	Vice-Chair
Joaquín Baca	Director
Karen Dunning	Director
Derrick J. Lente	Director
Beverly Romero	Director
Valerie Moore	Director

STAFF

Mike Hamman	Chief Engineer/CEO
Tanya Scott	Chief Water Counsel
Lorna Wiggins	General Counsel
Bruce Wiggins	General Counsel
David M. Fergeson	Secretary-Treasure
Jeanette Bustamante	Administrative Officer/CPO
Jason Casuga	Engineer Manager
David Gensler	Water Operations Manager
Adrienne Martinez	Engineer I
Sloan Washburn	Belen Division Manager
Lorenzo Benavidez	Socorro Division Manager
Daniel Arquero	Cochiti Division Manager
Doug Strech	GIS Supervisor
Christine Nardi	Human Resource Director
Becky Burnham	Budget Analyst
Yasmeen Namji	Planner
Mike Lopez	Construction Technician

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

Jeff Willis, AMAFCA	Robert Osborn, NM Game & Fish
Gary Stansifer, OSE	Michael T. Sandoval, Pueblo of San Felipe
Viola Sanchez, BIA	Mike Mechenbier, Valencia County
James Pittman, NM Game & Fish	John Thompson, MRGCD Lobbyist

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Director Romero led the Pledge of Allegiance.

Chairman Kelly welcomed the guests, and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Kelly called for approval of the Agenda.

Director Romero added Item 8j - Dumping in the Bosque

Director Moore made the **MOTION TO APPROVE THE AGENDA AS AMENDED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification for January 8, 2018

Director Moore made the **MOTION TO APPROVE THE PAYMENT RATIFICATION FOR JANUARY 8, 2018**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration/Approval of December 2017 Invoice for Wiggins, Williams and Wiggins.

Director Dunning made the **MOTION TO APPROVE DECEMBER 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration/Approval of December 2017 Invoice for Law and Resource Planning Associates.

Chairman Kelly requested that LRPA set up a separate billing category item for the PBU work they are performing for the District. Ms. Scott indicated they will on the next invoice.

Director Dunning made the **MOTION TO APPROVE DECEMBER 2017 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 4 – APPROVAL OF THE MRGCD MEETING MINUTES

- a. Consideration / Approval of Minutes for Regular Board Meeting – December 11, 2017

Director Duggins thanked and advised the Board that the small community of Lemitar and Polvadera lost a very good man, Mr. Kenny Bustamante passed away after a long, hard battle with his illness. He stated it was so overwhelming to see how tight knit his community is, and how many people were there to show their love and support to the Bustamante Family during this difficult time. Our thoughts and prayers are with the family.

Director Duggins made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING DECEMBER 11, 2017**. Director Romero seconded the motion. The **MOTION CARRIED**

Director Lente abstained

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR

Scott Edeal

Mr. Edeal expressed his concerns about protests and the amount of legal bills the District is paying, and that his taxes of \$44,000 is being used to pay legal bills on the four (4) transfer protests on his property and one other. He stated the District is using his tax dollars to fight him (Mr. Edeal). The Board is off course on these protests.

Mr. Edeal stated going to one meeting a month is okay for the three months in the winter that would be fine, but not during the irrigation season.

Director Duggins agreed with Mr. Edeal's comments and said we need more farmers to come in. He also asked Mr. Edeal last summer there was a ditch break in his area. Mr. Edeal said that during the rains there was a ditch break, and 60 acres were under water, but I didn't come here to expect any special treatment, and he had to replant the fields. He just wants some acknowledgement. He continued to advise the board he has been farming since 1952, and the District is getting involved where they don't need to be.

Director Duggins again asked if he didn't have another ditch break. Mr. Edeal responded yes it was on property that Mr. Edeal leases and the ditch broke on Thursday and nobody came until Monday to fix because the employees only have a four day work week and no one was available on Friday.

Director Moore asked Mr. Edeal if he called anyone, and Mr. Edeal said yes they even had to close the Peralta Main down, but everyone was off till Monday. They don't respond at all.

Director Moore stated she understood that they have people on call. Mr. Edeal said yes if the ditch break affects a house they come and address the problem but not a farm, Duggins can verify that.

Duggins asked would you say that since we went to a 4 day week service has suffered? Mr. Edeal agreed.

Director Lente inquired if the District is seeing any economic benefit since being on a 4 day work week. Is there any evidence that it is working.

Mr. Hamman responded that he has heard a variety of comments on this matter, very few like what Mr. Edeal has brought up. Maybe the incident happened on that Friday or weekend. The District evaluates the situation(s), along with assessing the scope of the incident and the total work load and the urgency of the matter, and that is how the District conducts business every day when situations come up. Our Divisions respond to situations and evaluates the condition and severity, and determines what needs to do done, and operates accordingly.

We have seen tremendous benefits from the 4-10's particular noticeable on large projects, jobs that take a lot of mobilization we only have to mobilize 4 days instead of 5, and we have an extra 2 hours a week because of that schedule, reducing absenteeism, and morale is up. People are working harder for the District. When we had the big storm events, and heavy run-off and employees were asked to stay out long hours, because of the good morale employees were willing and ready to go out and work those long hours.

We also have our on-call system that works very well, before it was weekend 2 days now 3 days. If we would follow Mr. Edeal's suggestion we would need to work 6-7 days a week that would not be practical. The employees are doing good quality work with a much higher efficiency to get the job done.

Mr. Hamman stated that the HR Director with assistance from the Division Managers is gathering data and will be scheduling to make a presentation to the Board.

Director Moore recommends better communication, and the contact person needs to communicate with the farmer, and also follow up and let farmers know what is going on, because these types of situations affect them directly.

Director Duggins stated he cares for employees, but the MRGCD is a service industry and our tax payers pay our salaries. We have people who depend on us, and we have to be customer oriented. These changes make it a little bit harder for the farmer.

Chairman Kelly stated we have heard this for the last couple of meetings, and Mr. Hamman you indicated we will have a report presented in the next 30 days by the Human Resource Director and I can speak from the Board we all are looking forward for that presentation.

We will continue with items from the floor.

Mike Neice, indicated he has land on the Chama River, and commented that on the November 2017 minutes Director Lente asked for a letter of concern to be drafted regarding upstream Oil

and Gas Ordinance in Sandoval County. Fracking has changed everything, and the amount of water and possibility water contamination matters are well within the Boards purview.

Also on your website it states the MRGCD owns 30,000 acres of land, who owns the mineral rights? The mineral rights are the dominant right. The 70,000 acres of land that MRGCD supplies water to would be an important issue to discuss, and can help local government address the issues to maintain water quality supply in the future. The City of Albuquerque, Bernalillo, Sandoval and Valencia Counties have no Oil and Gas Ordinance, and the natural gas in the world market is going to change everything.

Mr. Neice highly recommends that the District write a letter of support to the Oil and Gas Ordinance in Sandoval County.

Mr. Edeal came up and provided an additional comment that the 4-10's is great for construction, but not for the maintenance of the ditches. There has to be somebody on call and in charge.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

- a. Reports from U.S. Department of Interior – Jennifer Faler, Area Manager
(MS. FALER NOT IN ATTENDANCE)

Following is the BoR Water Report 01-08-18

1. Heron Summary

Content = 147,167 ac-ft (1/4)
Azotea tunnel: 0cfs
Total SJC inflow year-to-date: 0 ac-ft
Currently releasing: 0 cfs
Current MRGCD storage: 24,176 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of (1/4):
73,035 ac-ft.
- B. Native in El Vado
40,192 ac-ft.
- C. MRGCD's SJ-C storage in El Vado
29,729 ac-ft.
- D. P & P: 0 ac-ft
- E. EDWA: 0 ac-ft
- F. All other SJ-C contractors: 3,114 ac-ft

Current release is 120 cfs RG Inflow is 30-50 cfs

3. Storage in Abiquiu

Content = 117,917 ac-ft (1/4)
MRGCD's SJ-C storage= 0 ac-ft

Total water released for minnow to date in 2018: 0 ac-ft

Snowpack Data:

As of 1/8/18 (% of median)	
Rio Chama	22%
Upper Rio Grande Basin	28%
Sangre de Cristo basin	15%
Jemez Basin	2%
San Juan River Basin	24%

January Stream-Flow Forecast

Rio Grande @ Del Norte CO	255,000 ac-ft (50%)
El Vado Reservoir Inflow (Mar-Jul)	77,000 ac-ft (34%)
Rio Grande @ Otowi	175,000 ac-ft (24%)
Jemez R. below dam	4,000 ac-ft (12%)
Rio Grande @ San Marcial	0 ac-ft (0%)

- b. Reports from U.S. Bureau of Indian Affairs (BIA), Viola Sanchez, Designated Engineer.

Ms. Sanchez provided the following presentation

MIDDLE RIO GRANDE CONSERVANCY DISTRICT
BOARD OF DIRECTORS MEETING JANUARY 8, 2018
REPORT OF THE BUREAU OF INDIAN AFFAIRS

1. Water Operations 2017

- a. The irrigation season of 2017 presented few challenges related to the management of the Prior and Paramount water stored in El Vado since there was an ample supply of water.
- b. The storage target (final calculation determined in May 2018) called for in the 1981 agreement¹ amounted to 14,473 acre-feet, all of which was stored at El Vado. The entire amount was stored during the time that Article 7 Compact restrictions were in place.
- c. Prior and Paramount storage on November 15, 2017, after accounting for evaporation losses in El Vado during the irrigation season, was 13,933 acre-feet. Release of this remaining Prior and Paramount storage began on November 15, 2017 and ended on December 5, 2017, at rates from 154 to 378 cfs, with an average flow of 335 cfs.

2. Water Operations 2018

- a. Storage of native inflow to El Vado began January 1. When the NRCS May 1 forecast is available, then the calculated amount of required Prior and Paramount storage in El Vado will be "tagged," or set aside for Pueblo use in the upcoming irrigation season. Should the current dry conditions persist, 2018 will be a more challenging year than 2017 for meeting Pueblo irrigation needs.
- b. The BIA plans to perform technical analyses on the storage and release methodologies to see if any technical updates are warranted given this year's potential for extremely dry conditions. This will include a review of ditch seepage data and new seepage runs in the field to better quantify seepage losses in MRGCD and tribal ditch facilities.
- c. Meetings between the BIA, Coalition technical team, Reclamation, and MRGCD will take place in the upcoming months as conditions develop.

AGENDA ITEM NO. 7 – ELK MANAGEMENT IN THE RIO GRANDE VALLEY – James Pittman and Robert Osborn, New Mexico Department of Game and Fish

The Department of NM Game and Fish has a long-term goal is to develop a large scale hunt zone encompassing the portion of the MRG Valley from Isleta to the Bosque Del Apache Wildlife Refuge. This hunt zone would allow hunters to range freely on the property of participating partners. Mr. James Pittman the Department's Elk Biologist has put together a draft proposal for a long-term plan. To initiate the process the Department has been reaching out to select partners and exploring options for implementing short-term measures that will help control the elk population in the MRG Valley.




It is possible to hunt the portion of the MRGV from Isleta to Bosque Del Apache using the current Elk Private Land Use System (E-Plus) and population management hunts. The E-Plus program

allows participating landowners to receive elk permits which they may give or sell to hunters as they see fit. These permits are valid only of the landowner's deeded property. Population management hunts allow the Department to develop temporary hunt zones that may include multiple landowners. With population management hunts, the landowner may receive up to half the permits available to give or sell as they see fit. The remainder will be issued by the Department to public hunters.

There are three (3) ways the conservancy District can participate in these short term measures to help control the elk population in the MRG Valley.

Rio Grande Elk : Expanding Hunting Efforts

- Participate in the E-PLUS Program (deeded acreage only)
 - Pros
 - Authorizations (permits) issued to the Conservancy District
 - May sell to anyone you wish & keep proceeds
 - Number of permits, bag type and season dates are negotiable
 - Could assist your members experiencing depredation problems
 - Cons
 - Conservancy District responsible for managing authorization distribution
 - Provide hunter - authorization number, ranch number, hunt code









2017 camera pictures of elk along the river north of Bernardo WMA. Photos courtesy of Tuff Wimberly.

Wildlife Management Division

Rio Grande Elk : Expanding Hunting Efforts

- Participate in Regional Population Management Hunt
 - Pros
 - 1/2 authorizations issued to the Conservancy District (deeded acreage only)
 - May sell to anyone you wish & keep proceeds
 - Bag type and season dates negotiable (but less flexible than E-PLUS)
 - Could assist your members experiencing depredation problems
 - Cons
 - Department authorizations (1/2) issued by the Dept. to public hunters
 - The Conservancy District has no input into selection of public hunters
 - Could voluntarily opt to forgo your 1/2 of permits; 100% issued by Dept.








More pictures of telephone pole elk rubs on Bernardo WMA. Photos by J. Pitman.

Wildlife Management Division

Rio Grande Elk : Expanding Hunting Efforts

- Conservancy District Informs Members about E-PLUS Program
 - Pros
 - Increases hunting pressure and harvest
 - Assist your members experiencing depredation problems
 - Each participating landowner would receive proceeds from the sale of authorizations issued to them for their deeded acreage
 - Cons
 - Conservancy District does not benefit directly

Bull elk along the river at night on Bernardo WMA. Photos courtesy of Milnor Lucero.

Wildlife Management Division

The Elk population utilizes MRGCD property, as well Sevilleta, Bosque Del Apache, and the surrounding areas as their migratory paths, and feed and move around the valley. Mr. Pittman and Mr. Osborn provided a detailed presentation of the population and depredation. They provided in depth information on how the MRGCD can participate in the E-Plus program. The E-Plus program is where the Department issues authorizations to landowners for them to hunt on their property. Those authorizations can also be sold to anyone that the MRGCD wishes to, and the proceeds would be the MRGCD's. The number of permits, the bag type, and also the season dates are flexible on the E-Plus program.

Another option proposed would be to participate as part of a broader population management hunt. Population management hunts typically are over larger areas, where the Department is trying to reduce populations in areas where there are a lot of concerns. The population management hunt wouldn't just involve the MRGCD, it would bring together as many different partners as possible to create a larger, broader hunting areas. The idea would be to try to reduce the areas where the animals could go to get away from hunting pressure, There is some flexibility for bag types and season dates, but not as flexible as the E-Plus program.

The last option if the MRGCD would still like to participate, but hands-off, the MRGCD would allow access to the property, the Department would then issue the authorizations to public hunters.

There was quite a bit of discussion on the different options, and the Board had many questions on the population of the Elk, and also expressed concern about the liability. Discussion was also had on the cost to sell the permits, and would it impact the private owners which may also be permitting through this program.

Director Duggins concurred with NM Game and Fish that farmers do have problems with Elk. There is a farmer that the Department provided a fence to keep the Elk out of his field.

The amount of permits can be increased, and it will depend on how the District wants to participate and manage the program, but the Department committed they would work with the District.

Director Romero commented that she personally didn't think this is something that the MRGCD needs to get into at this point. She expressed the MRGCD could provide information to the hunters and give out the Departments contact information.

Chairman Kelly inquired if they are talking muzzleloader hunt or high-power hunting.

Mr. Osborn and Mr. Pittman responded all of the above, and the MRGCD can set it up any way they want. If you want Archery only to minimize liability and safety concerns, the program can be set up as archery only.

Additional discussion continued on the type of hunts. Chairman Kelly expressed he shared Director Romero's concerns that the MRGCD is a water distribution agency, and intrigued that the MRGCD would be able to sell landowner permits, but stated there may be a better way the MRGCD can participate and the Department would take the lead on it. The MRGCD receives complaints every weekend about some duck hunter in Valencia County leaving the gate open. Chairman Kelly stated this is similar to the recreational trails on our system. We license that use and the entity is responsible. There is some cautious interest, but there is some real caution about keeping our core mission.

Director Dunning disagreed a little about this is going outside of our mission, because it is something that will help farmers. She said there are two questions; would this really be going outside of the MRGCD mission; and should the MRGCD be involved at all. If the Board would decide to participate, she then suggested forming a subcommittee that would include a hunter and a farmer on the committee. She expressed there is some revenue possibilities that shouldn't be ignored. The committee would look at this in-depth and come back with a recommendation to the Board.

Mr. Hamman stated there are land management responsibilities as well.

Director Romero asked if the board is going to vote on this matter. Chairman Kelly responded no, that another briefing to the Board may be necessary to address the concerns and questions, and perhaps create a subcommittee, and the committee would research and evaluate all the details and provide a presentation along with a recommendation to the full Board, and possibly make a decision within the next three or four months is a good schedule.

Chairman Kelly thanked Mr. Osborn and Mr. Pittman.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER - (Mike Hamman, MRGCD CE/CEO)

a. Discussion and Consideration of Regular Board Meeting Schedule – Mike Hamman, CE/CEO

Chairman Kelly stated this matter was discussed about six months ago, and the decision of the Board at that time was a motion to table the discussion for six months, and turned it over to Mr. Hamman to present.

Mr. Hamman stated that on an annual basis the District is required on the first or second meeting in January to pass an Open Meeting Act Resolution that spells out exactly the meeting frequency for the upcoming year. The resolution is not permanent, it can be amended if the Board sees fit.

Six months ago Director Baca asked to table the Board Meeting Schedule of one meeting a month, and bring it back in six months for discussion. Please note that the draft resolution has the two meetings a month and references the off-site meetings.

Chairman Kelly reiterated that they have debated this back and forth, and can go through those same eloquent arguments, but we need to make a motion to continue with the two-meetings per month or change it. Being that Mr. Baca asked to have this matter tabled six months ago we will begin with his comments.

Director Baca stated six-months ago he wanted to get familiar on how the system works and the role as board member and how best to serve our constituents. He indicated that constituents call him frequently, and is happy to address what they need. At times it means reaching out to Mr. Hamman and staff to take care of these things. Where he felt on areas we need more work to be done is on the Committees. Mr. Edeal spoke about the water transfer policies, and stated freeing up from two meetings a month to one a month would allow for some more time to address the Committee matters. Also suggested having someone designated to provide constituents services on matters related to agriculture, scheduling, and provide updates, set up meetings throughout the year that are not Board meetings, to answer phone calls; emergency and non-emergency type calls. Director Baca made a motion to have one meeting a month and the second meeting of the month would be to hold committee meetings, as opposed to a regular Board meeting.

Director Dunning second the motion.

Director Dunning advised the Board that she looked at the 2017 minutes for the meetings held in 2017. There were 19 meetings and 11 of those meetings there was public comment and 8 meetings there was no public comment. The 11 meetings with public comment the comments pertained to a matter that was on the agenda. She stated having one meeting a month or two people would come because they are responding to some subject matter on the agenda. Director Dunning also advised the Board while researching the public comment at the Board meeting she also calculated what the cost is for a meeting, and it is costing approximately \$2,500 per meeting. The amount represents, lawyer's time, advertisement, audio recording transcription, Board member meeting allowance and mileage. There are many organizations that are similar to MRGCD and they get their work done at once a month meetings.

Director Moore expressed she is comfortable with during the off season four months to have one-meeting a month. However, during the irrigation season it would need to be two meetings a month. There may be curtailments possibly this season, and you are going to have those farmers here.

Director Duggins stated a few years ago that he would have flat lost his crop if we would not had the second meeting. How many here who have run for election will tell their constituent that we are going to pull back to one meeting a month. We work for our constituents, and there are only a few people that come to our meetings. How many farmers is it worth losing to have a meeting and for me that year I needed it. We have special hours to call the ISO, it he doesn't answer you also have a 1-800 number. If the ditch breaks you call and talk to a computer. We are pulling away from the people we are here to represent.

This is my compromise; to have one meeting a month during the off season. This board has two farmers on the board a pueblo farmer and a non-pueblo farmer, and it is very hard to describe how important it is, even if it's one, two or three farmers that need the meetings. As an example what if the City is pulling out \$50,000 from your 401K, do you think we should have another meeting on this? This is real money and lives and we need to be here.

Director Lente agreed with what Director Duggins expressed and it has worked, so what is the point in changing it now. If there is a cost savings, how is that money going to be reinvested into the farmers or the District. What is going to happen to that money?

He suggested having video conferencing or videotaping the meetings and streaming the meeting live. There is cell service up and down the valley, and if there is an issue to be heard the constituents could get a hold of us and then let us know what their concerns are. The

meeting would be streamed and they can log on in real-time. That is the wave of the future. I'd rather see the money invested in something like that type of system.

In regard to a PIO, Direct Lente stated he didn't think the District doesn't need one. There needs to be a game plan and show how exactly, and how are we going to save, and what are we saving on. I would like to see the numbers before we make any changes. This is the same way we did it for the four work days, and we haven't seen those numbers yet. I believe that we are more efficient, and we are saving money. For him it is like having to make a decision on something that is arbitrary, but would like to know what the plan is.

Director Romero commented that if one of our farmers is on the verge of losing their farm tomorrow, that they would have to wait for the next Board meeting for a response, or are we going to call a Special meeting and help that farmer now. Two meeting a month doesn't mean that, when a farmer is in trouble, they are not going to wait for our next Board meeting, they are going to call us, and they need a response sooner rather than waiting till the next board meeting. Farmers issues arise daily and not around the Board meeting schedules.

It is important that a person be assigned and be responsible to answer the calls 24/7 no matter what time of the day that come in on the 1-800 number and not be answered by a service.

She does not see a problem having one meeting a month and designate the second meeting for committee meetings, and any matters or issues that are discussed in the committee meeting will be brought back to the full board and the same information will be provided for the taxpayers and farmers.

Chairman Kelly stated the Mr. Scott Edeal was given the opportunity to express his concerns under the public forum and will ask if there is any other public comment on this matter.

Mr. Mike Mechenbier thanked the Board and Staff for their help and cooperation on his pecan farm. It was a win/win situation for everybody, and that this has been the most cooperation that he had seen in a long time.

In regards to Board meetings, there are decisions that are made in the field every day, and it even gets more critical with a shortage of water. A lot of times Mr. Mechenbier stated that he doesn't show up to meetings, but is talking to the Board Members, because they are here to protect his interest and we are in the field a lot of the times. He commented he didn't know what Director Dunning had researched but stated that those public comments came during the irrigation season. That is when we are here, and in two weeks if we know that there is a water shortage, we can make the decision right then to go ahead and chop that corn for silage instead of taking it to grain.

The bucket chart that we get, it is one of the most useful pieces of information we have in the field, and we have it all the time. He would hate to go to one meeting a month during the busiest, most critical time of the growing season. He also acknowledged that some of the decisions can be handled at an administrative level, but a lot of them are bigger than that.

Chairman Kelly advised the Board there is a motion and second on the floor, and we have had discussion.

Director Baca made the **MOTION TO ONE MEETING A MONTH AND THE SECOND MEETING TO BE FOR COMMITTEE MEETINGS.** Director Dunning seconded the motion. The **MOTION FAILED ON A TWO TO FIVE VOTE.**

Chairman Kelly stated there's a motion in order for 2018 Open Meeting Act Resolution.

Director Duggins made the **MOTION TO APPROVE 2018 OPEN MEETINGS ACT RESOLUTION BD-01-08-18-16-38.12**. Director Moore seconded the motion. The **MOTION CARRIED**.

Chairman Kelly requested that Mr. Hamman to come back at the January 22, 2018 Board meeting with a series of proposed locations and dates for the Informational Meetings.

b. Discussion of Draft Resolution Committing Cost-Share Funds for the Nogal Arroyo Bridge, Socorro County Director Duggins and Mike Hamman, CE/CEO

Director Duggins stated he will be talking about this bridge and how beneficial it would be for the County of Socorro. He expressed there is only one access in and out of Socorro on the north side only via I-25. It is very difficult to get wide-slow moving farm equipment and big trucks to town. So what people are doing is using the Conservancy Main Canal from Escondida. It is a heavy traveled road to get into Socorro with that kind of equipment. Director Duggins stated there used to be a wooden bridge, and the bridge is gone since the levee was rebuilt. Some vehicles have loads of hazardous chemicals, fertilizers, and they weigh a lot. There are farmers that farm on both sides of the levee and they can't safely move equipment in that area.

He stated when he got elected as Commissioner and he has been working on this for a year. He has met with Department of Transportation, Trent Doolittle and Director Duggins in his role as County Commission put together a coalition of people from various entities, county and Socorro Schools, City and State to discuss having a bridge across the flood control channel. This bridge would benefit a lot of people and agencies.

The county has pledged \$50,000 per year for two fiscal years and if we would get \$50,000 from each entity, the County, City of Socorro and the Conservancy District it would pay for the Environmental Impact Assessment (EA). The county's pledge will be applied for the EA. The State will then come in and do the rest. This project is estimated to be a four million dollar project (\$4,000,000). This will also benefit the Conservancy District.

Mr. Hamman, spoke with the NM Department of Transportation and there is a funding formula that is applied to projects. The biggest swaying factor in the funding and the cash flow to the areas is the cooperation of the local governments, and the cost share components of it. And obviously the safety of it as well, and the safety improvement that will come with that. There is a lot of public use on our facilities, and the heavy traffic is deteriorating our facilities. If we could ultimately have a safe diversion of most of the local traffic, get them off our system and have a good way to get across the City of Socorro floodway channel for even our own equipment, that will be very beneficial to us over the long haul.

Director Dunning has talked with Director Duggins and she is in favor of this and applauded his leadership on this. She asked if this is a federal undertaking and are feds going to come in a pay for the bridge, and feds pay for the EA, so if the county does it will it get done quicker. She emphasized she does not want any other area with a similar bridge issue to expect that the EA be paid for by another entity.

Mr. Hamman advised the Board the fund is seed money for shovel-ready project kind of strategy and it will get the environmental done and into the project in the hopper or future allocations of the federal dollars.

Director Romero stated they need a bridge in Los Lunas, if there is an accident it takes two hours to get through all the traffic.

Director Duggins responded you can drive and transport a bulldozer through there, it is a wide bridge and our issue is we do not have a bridge it does not exist so we have no way to move any equipment.

Chairman Kelly indicated that the Board has given a consensus, and directed Mr. Hamman to bring back the resolution in final form for consideration.

c. Update on Corrales Siphon Repair Project – Jason Casuga, Acting Engineering Division Manager

The project was approved with a budget of \$148,000 and the work commenced November 27 2017. AUI hit the ground and started the dewatering of the Corrales Siphon. Over three days they pumped continuously for 37 hours and dropped the flow in the siphon about ten inches. By volume that pipe should have about 200,000 gallons of water in it. Over that period of time, the contractor pumped about 5,004,000 gallons out of that siphon. Mr. Casuga directed them to do a level survey at the inlet of the siphon at the river and at the outlet of the siphon, and the elevations were relatively equal. The elevations within the siphon were hydraulically connected to the river at that point because the elevations were basically equal.

The contractor realized there is no way they could pump the water out. In 2014 they siphon as pumped dry, and the original inspection, over a two day period at a relatively low drawdown. They were able to pump it dry in about 48 hours. To summarize, there may be another breach in the siphon, likely somewhere in the section that was exposed.

His opinion as an engineer he is hesitant to take water fully out of the siphon again, as it sits today. He also stated he didn't know the effect of completely taking the water out of the siphon in 2014.

The siphon worked fine during the whole irrigation season, and didn't have any problems, but clearly there is a way for water to move into the siphon at a higher rate than there was in 2014.

Director Lente asked if water is being lost to the river, or is the water from the river pushing into the siphon to push into Corrales.

Mr. Casuga responded it is elevation dependent, so his feeling is when the river is at its lowest; we could be losing some water out of the siphon into the river, and when the river is at its highest probably not losing as much water from the siphon into the river. We will have a better indication of that if the pattern holds and we have an extremely low water year.

Director Lente had a follow-up question how long is the siphon going to last and what will we be doing. Mr. Hamman responded that there a couple of different approaches to pursue. We have known that at some point we are going to have to replace the siphon, but out on the curve on our capital improvement program. What we are going to do is hire a highly-specialized firm to take a look at replacing that siphon, whether it is with a gravity flow siphon that is dug deeper with directional drilling and jacking pipe or if we abandon it altogether and to an infiltration gallery system that would be infiltrating the water right there at the river. It would be a new point of diversion, and we would have to work that out with the State Engineer. Those are the two major options; we could also look at other interim options, maybe figure out how to actually line the existing pipe somehow, but it is still at a bad elevation relative to the river bed. So it would only be a short-term interim solution that could buy five or ten years while we do other things. So hiring of a very qualified/specialized engineering firm to assist in developing all the options and make a determination on a long-term solution.

Director Moore asked if the siphon is functional for the upcoming irrigation season.

Mr. Casuga responded that his intuition is that it will function, and Mr. Hamman commented that they didn't see any major issues when operating last year. There may have been a little loss.

Chairman Kelly stated for a band-aide option get some kind of camera to take a look at what is in there while the water is somewhat clear, and before the irrigation season starts. AUI has the

capability of doing large diameter slip lining. If there was a way to snake a 48 inch HDPE line in there we have just bought ourselves 30 years. The larger solutions about the bed degrading he suggested possibly a joint project with Sandia Pueblo and the Bureau, and put in a grade reduction facility in the river below the crossing.

The Chairman also stated he shares the same concerns; whatever is done we do not want to be the one that causes a catastrophic failure to the siphon.

Mr. Casuga advised the Board he will keep them abreast of the situation with the siphon.

Chairman Kelly deferred and made the following agenda items changes

Item 8d: Deferred to January 22, 2018 Board meeting

Item 8g: Instructed Ms. Wiggins to contact three board members including Chair and discuss dates.

Item 8h: Conference material in Board packet NO discussion required, but instructed the Board to contact Mr. Hamman if interested in attending a conference.

Item 8i: Approved Licenses is "Information Only" NO discussion required

Chairman Kelly asked for a motion to approve the agenda change.

Director Dunning made the **MOTION TO APPROVE THE CHANGES OF THE REMAINING AGENDA ITEMS AND ADJOURN THE MEETING BY 6:00 P.M.** Director Moore seconded the motion. The **MOTION CARRIED.**

e. Update and Discussion on Local Government Election Consolidation Bill – Mike Hamman, CE/CEO and John Thompson, MRGCD Lobbyist

Mr. Hamman summarized what occurred at the 2017 Legislative Session where the bill passed, but was pocket vetoed by the Governor. The Bill called for a consolidation election of all local government, non-partisan during the odd years in November. The other component is that there would be a much smaller payment requirement. Which we have estimated to be \$20-25,000 dollars a year that would be charged to the District for election services on a recurring budgetary basis.

The other major component of it was that the implementation of it was a four-year delay for the MRGCD and Soil and Water Conservation Districts. Mr. Hamman met with Secretary of State Maggie Toulouse-Oliver, and pointed out some specific implementation problems. Ms. Toulouse-Oliver committed that if this bill were to pass she would form a committee of the four County Clerks and the four County Assessors to determine how this bill could be implemented. Mr. Hamman also advised Ms. Toulouse-Oliver it is difficult to implement through a normal county election process, and she agreed and committed she would review the process thoroughly and remove us out of the bill in that four-year implementation period.

Mr. Thompson advised the Board that no bill has been pre-filed as yet. He indicated he has spoken with Senator Ivey-Soto and he pledged to provide us a copy of the bill when it is ready. He also advised Mr. Thompson that the following will remain: Qualified electorate, and delayed implementation. The bill passed last year and the legislators are familiar with it, and they like the whole concept. He feels the bill will pass again, but whether the Governor continues to have a veto stance that remains to be seen. Although he feels strongly the bill will pass, and possibly with new administration and a new Mayor for City of Albuquerque who was the largest objector, we might expect a little different stance on legislation, and that is just his opinion on his part.

g. Set Finance Committee Meeting to Discuss Capital Improvement Plan and Fourth Quarter Financial Statements – David Ferguson, Secretary-Treasurer

Mr. Ferguson advised the Board that he, Becky Burnham and Jeanette Bustamante went to Santa Fe and met with New Mexico Finance Authority (NMFA). The NMFA loans money for Equipment and Vehicles at a very reasonable rates, with various term options depending on the size of equipment. The Authority sells bonds to get better interest rates, and these interest rates are less than what equipment leasing companies can offer. The NMFA requires that the entity submit a board resolution to them for this program. Mr. Ferguson tentatively scheduled for Monday January 15, 2018 to meet, but would contact the committee members to confirm or provide an alternate date.

i. **Approved Licenses for November 2017 (For Informational Purposes Only)**



Memorandum

To: Mike Hamman, CEO & Ray Gomez, Engineer Supervisor

FROM: Adrienne Martinez, Engineer I

Date: January 4, 2018

Re: MRGCD Licenses

The following license requests were approved by staff for the month of December 2017

1. SP-056-2017 – Special Use License to allow Hawke Morgan with USA Cycling Inc. to access the Peralta Main Canal right-of-way for the “Hays Apple Farm Cyclocross” Bike Race on 12/30/2017
2. License 3-047-2017—License to allow MMI Southwest, LLC to install and maintain a buried fiber optic cable within the New Belen Acequia right-of-way
3. License 3-048-2017— License to allow MMI Southwest, LLC to install and maintain a buried fiber optic cable within the Los Chavez Interior Drain right-of-way at station 98+00±
4. License 2-050-2017— License to allow MMI Southwest, LLC to install and maintain a buried fiber optic cable within the Los Chavez Interior Drain right-of-way at station 26+00±
5. License 2-056-2017— License to allow MMI Southwest, LLC to install and maintain a buried fiber optic cable within the Upper Arroyos Acequia right-of-way
6. License 2-058-2017— License to allow MMI Southwest, LLC to install and maintain a buried fiber optic cable within the Old Jarales Acequia right-of-way
7. License 3-097-2017— License to allow Ernest Cordova to install and maintain two traffic gates within the Harlan Lateral right-of-way
8. License 2-123-2017— License Amendment to allow the Albuquerque Bernalillo County Water Utility Authority to lower the existing 36”Ø transmission line and to install and maintain a combination air/vacuum release vault within the Isleta Interior Drain right-of-way at Hooper Road
9. License 2-125-2017— License to allow Robert Williams to install and maintain a 3” PVC conduit for an electric utility within the Alameda Interior Drain right-of-way
10. License 2-144-2017— License to allow Randy Sena to install and maintain a pipe gate F.Y.I. within the Arenal Main Canal right-of-way at station 546+50±
11. License 2-145-2017— License to allow Randy Sena to install and maintain a pipe gate within the Indian Lateral right-of-way at station 41+25±
12. License 2-146-2017— License to allow Randy Sena to install and maintain a pipe gate within the Los Padillas Drain right-of-way at station 60+50±

j. **Dumping in the Bosque – Director Romero**

Director Romero passed out photographs that were sent to here regarding dumping in the Bosque. After the implementation of one trash hauling company in Valencia County, and people have noticed more dumping in the Bosque. They have called the County Sheriff, and they advise the callers to call MRGCD because it is our property.

Director Romero responded to Director Moore's questions if it is on District property and Director Romero stated it is on our ditch banks. It has probably increased because of the cost of the trash hauling company so they are dumping their trash on the MRGCD ditch banks and Bosque.

Chairman Kelly stated that Bernalillo had the same problem in unincorporated areas and the political entity established a refuse service.

Director Romero commented there are many rural areas and didn't know if they could implement that type of service. This is just information to the Board that this occurring on District property.

AGENDA ITEM 9 – Discussion and Direction to Personnel Committee to work with Human Resources Manager to Develop Compensation Comparison Analyses for CE/CEO and Secretary-Treasurer – Chairman Kelly

Chairman Kelly advised the Board that the Board's evaluation of Mr. Hamman and the Secretary-Treasurer evaluation completed Mr. Hamman is coming up. Last Board meeting the Human Resource Director presented us with the recommendation for an employee salary schedule based on outside study that compared positions against similar entities throughout the valley. It is incumbent that we do the same thing for our two contract positions that report directly to the Board. The Chairman directed Ms. Christine Nardi, Human Resource Director to work with the Personnel Committee to take care of this comparison, and report back on these comparisons with the supporting documentation. Focus should be first on Mr. Hamman's evaluation that will be coming up on February 12th.

The Chairman requested that the Personnel Committee update the Board on the forms that were used to evaluate last year that were developed by Jan Maples. He suggested that the Personnel Committee and HR Director review the forms and see if the form requires any revisions after the position comparison have been completed.

AGENDA ITEM 10 - REPORT(S) FROM MRGCD LEGAL COUNSEL

a. Meeting with State Engineer Staff regarding MRGCD Water Rights on January 3 2018 – Mike Hamman, CE/CEO

Mr. Hamman advised the Board they had a discussion to firm up the general scope and scale of the District's origin of water rights, and engaged in a process of working with the State Engineer's office through a couple of different avenues, through their legal advisors as well as their water rights people, both in the local office and in Santa Fe.

The State Engineer has sanctioned the process of working together to address putting a complete understanding between the two agencies of what the intent was of the Conservancy Act, and establishing the scope and scale of the District's water rights and also the delineation between that and the Pre-1907 rights, and how that is going to go forward in time.

There are a couple of assignments to do; some mapping projects, and it will give us an opportunity to clean up some lands being outside of the benefitted area but can still receive water. Will be going through that in the next several months and see where we go in terms of getting a proof of beneficial use application put together and through the process with the State Engineer's office, prior to his departure and the new administration.

AGENDA ITEM 11 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on MRCOG Board Work Session, December 15, 2017 – Director Dunning

Director Dunning reported that there was not a quorum but discussed the legislative agenda. She also spoke with their attorney Mr. Hurrin, and expressed he would help us with the Inverse Condemnation Legislation.

In the Board meeting they talked about the Election Bill and Mr. Greg Hull, Mayor of Rio Rancho is not supporting this bill. He commented that this a Home-Rule issue and that the State is overstepping its bounds.

Mr. Bruce Thompson discussed the problem with the economic development giving all of this tax abatement, and how it impacts their budget. Ms. Dunning looked up how much some of these tax abatements and the Wal-Mart on Coors and Rio Bravo and \$25,000 dollars a year are lost in tax abatement.

There was other discussion on a bill that may be introducing about Broadband; it is not a cell tower but something you can put on infrastructure. She suggested to the Board that this may be something we might want to follow and pay attention to.

Director Romero made the **MOTION TO APPROVE THE REPORT ON MRCOG BOARD WORK SESSION, DECEMBER 15, 2017** Director Lente seconded the motion. The **MOTION CARRIED.**

AGENDA ITEM NO. 12 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Threatened or Pending Litigation

Chairman Kelly requested a motion to move into Executive Session at 5:30 pm.

Director Dunning made the **MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7).** Director Moore seconded the motion. The **MOTION CARRIED.**

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Chairman Kelly	Yes
Director Baca	Yes	Director Lente	Yes
Director Duggins	Yes	Director Moore	Yes
		Director Romero	Yes

The **MOTION CARRIED.**

Chairman Kelly requested a motion to move back into the Regular Session at 5:46 p.m.

Director Duggins **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION.** Director Dunning seconded the motion.

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Chairman Kelly	Yes
Director Baca	Yes	Director Lente	Yes
Director Duggins	Yes	Director Moore	Yes
		Director Romero	Yes

The **MOTION CARRIED.**

Chairman Kelly said for the record that only discussion was had and no action was taken.

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

The meeting was adjourned at 5:58 p.m.

Approved to be the correct Minutes of the Board of Directors of January 8, 2018.

Attested:

David M. Fergeson
Secretary/Treasurer

John P. Kelly,
Chairman, MRGCD Board of Directors