

**MINUTES OF THE
TWO THOUSAND SIXTY FIRST REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
February 23, 2015**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 1:35 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

Derrick J. Lente	Chair
Adrian Oglesby	Vice-Chair
Eugene Abeita	Director
Karen Dunning	Director
John P. Kelly	Director
Chris Sichler	Director
Johnny L. Paiz	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. Charles T. DuMars	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Assistant Engineer
Leonard Utter	Engineer Associate
David Gensler	Hydrologist
Doug Strech	GIS Supervisor
Mary D'Ornellas	HR Director
Joe Brem	Albuquerque Division Manager
Eric Zamora	Belen Division Manager
Jim Russell	ISO Supervisor
Daniel Arquero	Cochiti Division Manager
Tom Thorpe	Public Information Officer
Rusty Swint	ER&T Manager

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

Ernie Marquez, Automated Election Products	Peggy Norton, Bosque Action Team
Tim Sanchez, Automated Election Products	Blane Sanchez
Michael Jensen, MRG Urban Waters Partnership	Santiago Maestas, South Valley Acequia Association
Jeff Willis, AMAFCA	Virginia Necochea, CESOSS
Glen Duggins, Lemitar	Jim Van Der Geese, Mackie Reid & Co
John Dickinson, Office of the State Engineer	Clint Garcia, Pueblo of Sandia
Paula Sichler	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente requested Director Dunning to lead the Pledge of Allegiance.

Chairman Lente welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Lente called for approval of the agenda. Chairman Lente said that Ms. Faler from the BOR and Ms. Lucero from the BIA would not be at the meeting and agenda items 6a & b could be deleted.

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

AGENDA ITEM NO. 3 – APPROVAL BILLS & PAYROLL RATIFICATION

- a. Payment Ratification – February 23, 2015

Chairman Lente called for approval of the Bills and Payroll Ratification for February 23, 2015.

Director Dunning **MADE THE MOTION TO APPROVE THE BILLS AND PAYROLL RATIFICATION FOR FEBRUARY 23, 2015 AS PRESENTED.** Director Abeita seconded the motion. The **MOTION CARRIED** unanimously.

- b. Approval of January 2015 Invoice for Law & Resource Planning Associates

Chairman Lente called for approval of the January 2015 Invoice for Law & Resource Planning Associates. Director Dunning asked when the Coors case would be complete and Dr. DuMars gave the status of the litigation.

Director Paiz made the **MOTION TO APPROVE THE JANUARY 2015 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES AS PRESENTED.** Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 4 – APPROVAL OF THE MINUTES

- a. Regular Board Meeting – February 9, 2015

Chairman Lente called for approval of the minutes for the Regular Board Meeting February 9, 2015.

Director Oglesby made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 9, 2015 AS PRESENTED.** Director Paiz seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Santiago Maestas, South Valley Acequia Association gave a brief update on the Santolina Planned Community Working Group and requested the District take a position on Senate Memorial 80 regarding a temporary moratorium on new development due to potential water supply shortages.

Michael Jensen advised the Board that he is no longer with Amigos Bravos and he is now the Middle Rio Grande Urban Waters Ambassador. He said that he would like to come back to the Board and have a period of time to acquaint the Board with his organization.

Peggy Norton said that she represented the Bosque Action Team and spoke to the Board regarding her organization's position on the recent Bosque trail project and the decision by Mayor Berry to begin the project without informing the District and others.

Virginia Necochea said that she represents the CESOSS (Center for Social Sustainable Systems) which is a group that is in the South Valley. She said she is again respectfully requesting the Board take a position and not support the Santolina Planned Community project. Chairman Lente requested staff to review the Santolina Project information, how it impacts the District and present that report to the Board at a future meeting.

Glen Duggins from Lemitar spoke to the Board regarding efficiency and the time allowed by the District for an irrigator to move water over an acre and how is that procedure monitored. He said there is not enough water and something has to be done with those irrigators that are inefficient with their irrigation process. Director Sichler said the policy has been in place for a least two years and he requested that Mr. Hamman

pass this down to the Division Managers they need to monitor these situations and Chairman Lente and Director Abeita concurred.

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

- a. Bureau of Reclamation – Jennifer Faler, Deputy Area Manager was not available for this report. The information below was submitted electronically.

- 1. Heron Summary

- Content = 62,993 ac-ft. (02/19)
- Azotea Tunnel: 10-20 cfs
- Total SJC inflow year-to-date: 794 ac-ft.
- Currently releasing 40 cfs
- Current MRGCD storage: 834 ac-ft.

- 2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 02/19: 16,654 ac-ft.
- B. Native in El Vado 7,103 ac-ft.
- C. MRGCD’s SJ-C storage in El Vado 317 ac-ft.
- D. USBR EDWA: 2,634 ac-ft.
- E. All other SJ-C contractors: 6,600 ac-ft.

Current release is 52 cfs RG inflow is 60-90 cfs

- 3. Storage in Abiquiu

- Content = 133,390 ac-ft (02/19)
- MRGCD’s SJ-C storage= 0 ac-ft.

Total water released to date for minnow in 2015: 0 ac-ft.

Snowpack Data:
As of 02/20/15 (% of median)

Rio Chama Basin.....63%
Upper Rio Grande Basin.....54%
Sangre de Cristo Basin.....81%
Jemez Basin.....62%
San Juan River Basin.....52%

February Streamflow Forecast

Rio Grande @ Del Norte CO	355,000 ac-ft (69%)
El Vado Reservoir Inflow (Mar-Jul)	165,000 ac-ft (73%)
Rio Grande @ Otowi	450,000 ac-ft (63%)
Jemez R. below dam	21,000 ac-ft (62%)
Rio Grande @ San Marcial	255,000 ac-ft (50%)

AGENDA ITEM NO. 7 – REPORT(S) FROM 2015 ELECTION DIRECTOR – Ernie Marquez, Automated Election Products

a. Consideration & Approval of 2015 Election Forms

Mr. Marquez reported that the Board has a packet of forms he will be using for the upcoming election and he reviewed each of the forms in the packet. He pointed out the revisions that were done to some of the forms and explained the reasoning behind those revisions. Discussion followed on the legal description column on the candidate petition forms. Director Dunning asked regarding the date of 2015-2016 on the Report of Expenditures & Contributions and Mr. Marquez said he would review and get back to the Board.

Director Dunning made the **MOTION TO APPROVE THE 2015 ELECTION FORMS AS PRESENTED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 8 – REPORT FROM MACKIE, REID & COMPANY ON THE AGREED UPON PROCEDURES REVIEW FOR CEO TRANSITION – Jim Van Der Geest, Partner, Mackie Reid & Company, PA

Mr. Van Der Geest said his firm was contracted to produce a report on a procedure to be used for the transition of the CEO position. Mr. Van Der Geest then detailed the procedures that his firm used and the findings. He said they reviewed the authorized signers on the District bank accounts, investment accounts and the signature keys. He said their next step was to review the January, 2015 general operating and manual payroll check registers and the January, 2015 disbursements. He said they also reviewed the District's outstanding commitments; they counted petty cash, reviewed accounts payable and obligated encumbrances as of January 31, 2015. Mr. Van Der Geest said lastly they examined a schedule of annual and sick leave due to the former CEO/CE as of January 16, 2015 together with the projected annual and sick leave which will be accumulated during the nine months ending October 15, 2015.

Director Kelly asked if Mr. Van Der Geest found the Scope of Agreed on Procedures was adequate to cover the Board's concerns about the transition, leadership and the financial bearing of the District. Mr. Van Der Geest said as they performed the procedures nothing came to their attention that would lead him to believe that what they did was not adequate. Director Kelly asked Mr. Hamman about the disposition and the gas card of the vehicle of the previous CEO/CE and Mr. Hamman said the vehicle was returned to the general pool to be used as needed and Rusty Swint, ER&T Manager said the fuel card is with and controlled by District Security. Director Dunning asked if this procedure is sufficient for the transition process in general and Mr. Van Der Geest said the designation of the procedure was a give and take between the Board and his firm's modifications or additions. He said that nothing strikes his mind that they should have added and if they had come across anything that was unusual or abnormal, it would have necessitated additional steps to follow-up. He said, at this point, he is very comfortable with the procedure.

Chairman Lente said this exercise was about getting a good policy for future transitions and it was never a question of his competency or his character. He said he hopes the Board is comfortable sharing this document with the previous CEO/CE.

Director Kelly made the **MOTION TO ACCEPT THE AGREED UPON PROCEDURES REPORT FROM MACKIE, REID & COMPANY, PA AND TO REQUEST THAT MR. HAMMAN SHARE THE DOCUMENT WITH MR. SHAH**. Director Dunning seconded the motion. Director Sichler said he was absent when the Board discussed and approved this agreement and asked if this is something the District is receiving as part of their audit contract with Mackie, Reid and Mr. Van Der Geest said no that this is not part of the audit; this is a special engagement. Director Sichler asked the cost and Mr. Van Der Geest said the final tabulation has not been done, but was estimated to be between \$5,500 and \$8,000. The **MOTION CARRIED** unanimously

AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman)

- a. Bid Abstract(s) - Jeanette Bustamante, MRGCD Administrative Officer
 - 1. Consolidated 2016 Model Service Lube Truck – Cochiti Division

Ms. Bustamante gave the details of the Bid Abstract.

Director Oglesby made the **MOTION TO APPROVE STAFF RECOMMENDATION FOR A CONSOLIDATED 2016 MODEL SERVICE LUBE TRUCK FOR THE COCHITI DIVISION IN THE AMOUNT OF \$171,666.000**. Director Abeita seconded the motion. The **MOTION CARRIED** unanimously.



Memorandum

To: MRGCD Chairman Lente and Board of Directors
 Mike A. Hamman, CEO/CE
 David Fergeson, Secretary-Treasurer
 Jeanette Bustamante, Administrative Officer

From: Richard DeLoia, Purchasing Agent

Date: February 23, 2015

Re: REQUESTING BOARD APPROVAL FOR CONSOLIDATED 2016 MODEL SERVICE LUBE TRUCK

The Cochiti Division was appropriated funding for a Service Lube Truck, and after thorough review, staff is recommending award as follows:

2016 Cab & Chassis via NM State Price Agreement to Summit Truck for \$80,341.00; Service Lube Body to the lowest responsible bidder, Clark Truck Equipment for \$91,325.00.

NM State Price Agreement Contract # 22-000-00-00105

VENDOR	2016 35 GVWR CAB & CHASSIS TRUCK		UNIT COST	GRAND TOTAL
	MAKE	MODEL		
SUMMIT TRUCK	INTERNATIONAL	DURASTAR 4300	\$80,341.00	\$80,341.00

Bid Abstract

VENDOR	LUBE TRUCK BODY	UNIT COST	GRAND TOTAL
CLARK TRUCK EQUIPMENT	MAKE: CTE	\$91,325.00	\$91,325.00
MCT INDUSTRIES	MAKE: T.W.I.	\$94,047.00	\$94,047.00

Grand Total: 2016 SERVICE LUBE TRUCK COMPLETE \$171,666.00

*Cochiti Division FY 2015 BUDGET \$155,900.00

- b. Water Availability Report – David Gensler, MRGCD Hydrologist

Mr. Gensler reported said there is not a lot of good news and up until this weekend February has essentially had no snow in the mountains and was unseasonably warm. He said the forecast has been trending steadily downwards since it came out in early February; there was some snow last Friday and Cumbres picked up about an inch of water over the weekend. Mr. Gensler said the big news for him last week was Reclamation’s estimation that the San Juan Chama allocation will be 50% or worse; he has been figuring about 60-75%. He said the long range forecast continues to favor a wetter than average spring and so it is a wait and see.

Mr. Gensler said they will begin diversions and irrigation operations this week and by the next Board meeting everything should be up and running. He said at least three diversions up at Cochiti will begin two weeks late because of maintenance. Mr. Gensler said the water coming down the river now is adequate for the District to get started and he doesn’t anticipate any problems with the beginning of the season.

Director Sichler asked how many water credits does the District have right now and how many will the District request. Mr. Gensler said there is less than 20,000 and they are going to ask the State

Engineer for the remaining unallocated credits and he would like to see all of them allocated. He said he suspects what will happen is they will allocate roughly 1/3 to species purposes and 2/3 to the District; with 3,000 ac-ft. set aside for Santa Fe. He said the District will end up with approximately 55,000 ac-ft. in storage credits. Director Sichler asked about the storage of this water and discussion followed. Director Sichler said the point of his question is that the District is in pretty much the same position as last year and it took a lot of cooperation with the Pueblos and he hopes the District is planning ahead to store some water for irrigators. Director Oglesby requested Dr. DuMars to explain about the conditions of the Compact regarding storage and he gave that information.

Dr. DuMars said there is a new Interstate Stream Director, Deborah Dixon, PE, and she is very talented and he asked if there were others that had experience with her. Director Kelly said he has known her for the past fifteen years, she is a very competent engineer, and he has been involved with her in multiple flood control and water projects.

c. Report – Update on the Corrales Siphon Feasibility Study

Mr. Hamman said he has received two draft reports from HDR Engineering who is investigating the Corrales Siphon and Chris Rodriguez is the principle the District has been working with. He said he has sent a copy of this report over to Reclamation for their comments and a conference call has been scheduled to discuss the next steps in this report. Mr. Hamman said the Board received a preliminary report from Mr. Shah and he told them the Siphon was in good shape with the one exception. Mr. Hamman went on to explain the concern with one section of the siphon and said in the next off season, they will examine that portion of the siphon and make any modifications; if necessary. Mr. Hamman said beyond that there is some minor debris that needs to be removed and Albuquerque Division staff will be able to handle that task.

Mr. Hamman said the second portion of the report is more complicated and he reviewed some of the points of the report and he said that is why he is having Reclamation look at it and they will be helping the District with those issues.

d. Report – Activities of the CEO

Mr. Hamman said in this morning's session he spoke about some of the meetings that he has attended with the various agencies to introduce himself and to discuss issues and concerns. He went on to detail some of those he has met with. Mr. Hamman said he met with Bernalillo County Board members and they were joined by Mayor and his Chief of Staff and they had a good conversation that was focused on projects of mutual interest. He said they discussed the trail in the Bosque and they had a good exchange and it was interesting that a few days before there was a meeting with Open Space staff and the timing was such that construction on the trail had started and between the District and Open Space they came to an agreement on how they would continue these future projects in a way that is in line with the Joint Powers Agreement and he went on to explain the licensing requirements of the agreement and how it affected the trail in the Bosque. Director Oglesby said as part of the JPA, the City of Albuquerque is supposed to come to the Board and report on a quarterly basis and he would like Mr. Hamman to request they abide by this so there are no miscommunications in the future. Dr. DuMars said the Board has a copy of Chapter 18 of HB 210 1983 the State of NM Legislature which speaks to the designation of boundaries, the Rio Grande State Park and the District.

e. Report – SB 68 Division of Conservancy District– February 18, 2015

Mr. Hamman said he was asked to attend the committee hearing on SB 68 that had been delayed on a number of occasions. He and John Thompson, MRGCD Lobbyist attended the committee hearing and Senator Padilla presented his bill to the Rules Committee and the Chair requested those that were opposed to the bill and those for the bill. Mr. Hamman said he presented the District's side and he spoke to the items the Board had brought forward in an earlier meeting. He then went on to give some of the feedback on the bill from Senators on the committee. He said the Rules Committee tabled the bill in a 7 to 2 decision. Mr. Hamman said he reached out to Senator Padilla and thanked

him for representing the District's constituents and the Board's commitment to continue to work with him.

f. Letter of Interest – Bureau of Reclamation Rio Grande Basin Study

Mr. Hamman said the Board has the letter from Reclamation regarding a Request for Letters of Interest for the WaterSMART Basin Studies with an action by February 24, 2015. Mr. Hamman went on to explain the project and the request for interest in initiating a basin study. He then went on to explain the process said he has reached out to other agencies to see if they are interested and they will give it a try and see where it goes.

g. Report – MRGCD Special Meeting – Executive Session

Mr. Hamman said during the Special Meeting/Executive Session, some personnel matters were discussed including the requirements for his performance plan and discuss guidelines for his first year at the District. He said they are discussing a couple of other organizational and structuring matters.

h. Report – Lobbying Trip to Washington, DC

Mr. Hamman said the lobbying trip for he and interested Board members will happen the week of March 16th. He said the NM Delegation and other agencies have been contacted regarding meetings during that week. Mr. Hamman said he would distribute to the Board the draft schedule and the proposed questions the District will be asking.

i. Status Report from MRGCD Public Information Officer – Tom Thorpe

Mr. Thorpe reported that several of his items have already been discussed. He said in the event the Board did not see the Journal article on Mr. Hamman, he has included that in his materials. Mr. Thorpe said he included the information on the Bosque Trail project so the Board would have the background, a copy of the JPA and the legislation on the Rio Grande State Pak. He said he did attend meetings on the Bosque trail and there was a lot of negative feedback, however, the District did not receive any media inquiries and has not yet taken a position. Director Dunning asked about placing some of the projects the District is doing with other local governments on the website and he will get with Mr. Hamman. Director Oglesby said last year there were some four educational forums on the Bosque and there is possibility of having one more in the next year with other agencies and the District should probably participate.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE ATTORNEY (Chief Water Counsel and/or General Counsel)

There were no reports from the Chief Water Counsel or General Counsel.

AGENDA ITEM NO. 11 – REPORT(S) FROM THE BOARD

a. Report – NM Legislature Regarding SB 68- February 13, 2015 – Chairman Lente

Chairman Lente said he traveled to Santa Fe on February 13th and there is not a lot to report. He received a message that the Senate Rules Committee would not be meeting to hear SB 68. He said he did speak with Mr. Trujillo from the South Valley and one of the candidates in the last District election. He said they had a long discussion on his thoughts on this legislation and he will share those with Mr. Marquez, MRGCD Election Director.

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

The meeting was adjourned at 3:25 pm.

Approved to be the correct Minutes of the Board of Directors of February 23, 2015.

Attested:

David M. Fergeson
Secretary/Treasurer

Derrick J. Lente, Chairman
MRGCD Board of Directors