

**MINUTES OF THE
TWO THOUSAND NINETIETH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
June 13, 2016**

Directors having been duly notified, Vice Chairman Oglesby called the regular meeting to order at 3:05 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

Derrick J. Lente	Chair	Absent
Adrian Oglesby	Vice-Chair	
Glen Duggins	Director	
Karen Dunning	Director	
John P. Kelly	Director	
Chris Sichler	Director	
Beverly Romero	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
Mary D'Ornellas	HR Director
Ray Gomez	Engineer Supervisor
David Gensler	Hydrologist
Tom Thorpe	Public Information Officer
Joe Brem	Albuquerque Division Manager
Jason Casuga	Engineer
Alicia Lopez	Engineer Technician

The following individual(s) were interested viewers and/or participants:

Jeff Willis, AMAFCA	Sharon Wirth, Audubon
Ernie Marquez, Automated Election Services	Harvey Crowley, Mesa Verde Farms
Pat McCraw, South Valley Ink	Gary Stansifer, OSE
John Thompson, MRGCD Lobbyist	Sandra Lucero, US BIA

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Vice Chairman Oglesby requested that Director Duggins lead the Pledge of Allegiance.

Vice Chairman Oglesby welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Vice Chairman Oglesby called for approval of the agenda. Director Kelly said Chairman Lente is participating in the Pueblo of Sandia Feast Day and he would like to defer agenda item 3 until all seven Board members are in attendance.

Director Kelly made the **MOTION TO DEFER AGENDA ITEM 3 UNTIL THE BOARD MEETING OF JUNE 27, 2016 OR REMOVE FROM THIS AGENDA UNTIL ALL SEVEN BOARD MEMBERS ARE IN ATTENDANCE.** Director Dunning seconded the motion. Director Sichler said it is on the agenda and he thinks they should just go ahead and do it. Director Duggins said he agrees with Director Sichler and Director Romero said she would like to have the election today also. Vice Chairman Oglesby, Directors Kelly and Dunning voted yay and Directors Sichler, Romero and Duggins voted nay and the **MOTION TIED.**

AGENDA ITEM NO. 3 – ELECTION OF BOARD CHAIR & VICE CHAIR – REORGANIZATION OF THE BOARD Lorna M. Wiggins, MRGCD General Counsel

Ms. Wiggins said nominations for position of Board Chair are now open. Director Duggins said he would like to nominate Director Sichler for the Chair position and he thinks it is a good idea to shuffle the deck and they all say that agriculture is their number one priority and he is the man for that, he's a good businessman, knows his issues and he has full faith in him and he will do a good job and he would like to nominate him. Director Kelly said he would like to nominate Vice Chairman Oglesby as Chair. Ms. Wiggins asked if there were any other nominations, there were not and she declared that nominations are closed and will proceed to a vote. She asked for all of those in favor of Director Sichler serving as Board Chair to raise their hands and Directors Sichler, Romero and Duggins raised their hands. Ms. Wiggins then asked for those in favor of Vice Chairman Oglesby to serve as Board Chair to raise their hand and Vice Chairman Oglesby, Directors Kelly and Dunning raised their hands. She said there is a tie and requested an opinion from Mr. Wiggins. Mr. Wiggins said the vote will be deferred until the next meeting and the seat is still occupied until it is filled. Ms. Wiggins said in this situation there is no need to go through the process for the Vice Chair position.

AGENDA ITEM NO. 4 – APPROVAL BILLS & PAYROLL RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification – June 13, 2016

Vice Chairman Oglesby called for approval of the June 13, 2016 Payment Ratification. Director Kelly had one comment.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF JUNE 13, 2016 AS PRESENTED**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – APPROVAL OF THE MINUTES

- a. Consideration/Approval of Minutes for the Special Board Meeting – Budget – May 23, 2016

Vice Chairman Oglesby called for approval of the minutes for the Special Board Meeting – Budget – May 23, 2016.

Director Kelly made the **MOTION TO APPROVE THE MINUTES OF THE SPECIAL BOARD MEETING – BUDGET MAY 23, 2016 AS PRESENTED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration/Approval of Minutes for Regular Board Meeting – May 23, 2016

Vice Chairman Oglesby called for approval of the minutes for the Regular Board Meeting May 23, 2016. Vice Chairman Oglesby had one revision.

Director Romero made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING MAY 23, 2016 AS AMENDED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

There were no Items from the Floor.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE MRGCD ELECTION DIRECTOR – Ernie Marquez, Automated Election Services

Mr. Marquez said that he had been requested by the Board to come back with additional information on polling locations in the 2013 MRGCD Board of Director's election. He distributed the comparison information to the Board. After discussion, it was agreed that the 4-H Center would be removed in Bernalillo County and the Bosque Farms Arena in Valencia County would be removed. Director Sichler said in Socorro County he would agree to remove Abeytas Fire Station and possibly San Antonio Elementary, however, would keep La Promesa Elementary School to serve northern Socorro County for the 2017 election and Director Duggins agreed. He said when there is an At-Large, voters can vote in Valencia County. Director Kelly said in Bernalillo County they can remove either 4-H Center or Valley High School and Mr. Marquez recommended 4-H Center and there was consensus from the Board. Mr. Marquez recommended removing Valle Vista Elementary, Los Padillas Elementary and Harrison Middle School as well and the Board concurred. Discussion followed on Sandoval County and it was agreed to remove Sandoval County VMH, Pena Blanca and Algodones Elementary and the Director Kelly requested that Mr. Hamman have a discussion with the Pueblo Governors of the Pueblo of Cochiti and Pueblo of Santo Domingo to discuss the possibility of rotating those locations and Mr. Hamman agreed that he would have that discussion. Additional discussion followed and it was agreed that Mr. Marquez would bring this back to be resolved and approved at a meeting in the near future.

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

Mr. Hamman requested that he would like to introduce a new member of the MRGCD staff and he is Jason Casuga, filling the new engineer position. The Board welcomed Mr. Casuga to the MRGCD.

a. Bid Abstract(s) Jeanette Bustamante, Administrative Officer

1. Concrete & Shotcrete FY17

Ms. Bustamante presented the bid abstract.

Request for Bid for Concrete and Shotcrete was advertised in compliance with the NM State Procurement Code. This award shall be for the 2017 Fiscal Year effective July 1, 2016. The MRGCD received three (3) bids as follows:

		ALBUQUERQUE-GRAVEL		COYOTE-GRAVEL		A-I-QUALITY-REDI-MIX	
SCHEDULE-I ALBUQUERQUE-DIVISION	QTY	UNIT-COST	TOTAL	UNIT-COST	TOTAL	UNIT-COST	TOTAL
CONCRETE 3,000-PSI	500	\$93.50	\$46,750.00	\$92.50	\$46,250	NO	BID
CONCRETE 4,000-PSI	20	\$94.00	\$1,880.00	\$97.50	\$1,950.00		
SHOTCRETE 3,000-PSI	600	\$95.00	\$57,000.00	\$100.50	\$60,300.00		
CALCIUM-/POLAR-SET	300	\$0.20	\$60.00	\$.50	\$150.00		
FIBERMESH	300	\$0.50	\$150.00	\$1.00	\$300.00		
AIR-ENTRAINMENT	1120	\$0.50	\$560.00	\$.25	\$280.00		
			\$106,400.00		\$109,230.00		
SCHEDULE-II- COCHITI-DIVISION	QTY	UNIT-COST	TOTAL	UNIT-COST	TOTAL	UNIT-COST	TOTAL
CONCRETE 3,000-PSI	60	\$125.00	\$7,500.00	\$112.50	\$6,750.00	NO	BID
CONCRETE 4,000-PSI	20	\$130.00	\$2,600.00	\$117.50	\$2,350.00		
SHOTCRETE 3,000-PSI	150	\$130.00	\$19,500.00	\$118.50	\$17,775.00		
AIR-ENTRAINMENT	230	\$.50	\$115.00	\$.25	\$57.50		
			\$29,715.00		\$26,932.50	

		ALBUQUERQUE-GRAVEL		COYOTE-GRAVEL		A-1-QUALITY-REDI-MIX	
SCHEDULE-III BELEN-DIVISION	QTY	UNIT- COST	TOTAL	UNIT- COST	TOTAL	UNIT- COST	TOTAL
CONCRETE 3,000- PSI	300	\$110.00	\$33,000.00	\$100.50	\$30,150.00	NO	BID
CONCRETE 4,000- PSI	20	\$105.00	\$2,100.00	\$105.50	\$2,110.00	
SHOTCRETE 3,000-PSI	200	\$110.00	\$22,000.00	\$108.50	\$21,700.00	
CALCIUM-/POLAR- SET	200	\$0.45	\$90.00	\$.50	\$100.00		-
FIBERMESH	200	\$0.75	\$150.00	\$1.00	\$200.00		
AIR-ENTRAINMENT	520	\$0.50	\$260.00	\$.25	\$130.00		
			\$57,600.00		\$54,390.00		
SCHEDULE-IV- SOCORRO- DIVISION	QTY	UNIT- COST	TOTAL	UNIT- COST	TOTAL	UNIT- COST	TOTAL
CONCRETE 3,000- PSI	150	\$175.00	\$26,250.00	\$140.00	\$21,000.00	\$116.50	\$17,475.00
CONCRETE 4,000- PSI	20	\$175.00	\$3,500.00	\$145.00	\$2,900.00	\$118.50	\$2,370.00
DARASET-/POLAR- SET	150	\$12.00	\$1,800.00	\$5.00	\$750.00	\$5.00	\$750.00
FIBERMESH	150	\$5.00	\$750.00	\$1.00	\$150.00	\$5.50	\$825.00
AIR-ENTRAINMENT	170	\$	\$170.00	\$.25	\$42.50	\$1.50	\$255.00
			\$32,470.00		\$24,842.50		\$21,675.00

After thorough review, Staff is recommending Multiple Awards to the following Lowest Responsible Bidders.

Schedule I - Albuquerque Division:	Albuquerque Gravel	\$106,400.00
Schedule II & III - Cochiti & Belen:	Coyote Gravel	\$ 81,322.50
Schedule IV - Socorro Division:	A-1 Quality Redi Mix	\$ 21,675.00
		\$209,679.50

FY2017 BUDGET \$143,000.00

Director Kelly made the **MOTION TO APPROVE STAFF RECOMMENDATION FOR CONCRETE & SHOTCRETE IN THE TOTAL AMOUNT OF \$209,679.50 TO VARIOUS VENDORS FOR FY 2017 BY SCHEDULE AND DIVISION.** Director Romero seconded the motion. Directors Kelly and Sichler had several questions regarding the bid and the budgeted amount and they were answered accordingly. Director Kelly said that he would like to modify his motion. Director Kelly said he would like to modify the **MOTION TO APPROVE THE BID AWARD AS RECOMMENDED UP TO A TOTAL AMOUNT OF THE BUDGET; AT WHICH POINT MR. HAMMAN WOULD IDENTIFY COST SAVING MEASURES TO CONTINUE ORDERING CONCRETE/SHOTCRETE.** Mr. Hamman and Ms. Bustamante said the prices for this concrete have been locked in for FY17. The **MOTION CARRIED** unanimously.

b. Water Report – David Gensler, MRGCD Hydrologist

Mr. Gensler said this has been one of the strangest and most convoluted spring runoffs of all time and is finally winding down. He said that last week Reclamation finally labeled all the various pots of water at El Vado; at least in terms of storage. He said looking at the 2016 URGWOM model is a mind numbing experience and Mr. Hamman has suffered through his hand wringing for the last several weeks with the number constantly changing. Mr. Gensler said the water accretes in the Rio Grande pool, then empties, then fills, then empties, many times throughout the first six months of the year. He said in the end, the MRGCD was able to get what was anticipated; give or take a couple of thousand acre feet. He said the NRCS guys are going to have to go back to the drawing board again; the April and May forecasts didn't come true and the spring weather has been wacky.

Mr. Gensler said that as of last Thursday at midnight, the MRGCD had 66,231 acre feet of Rio Grande water in El Vado, 15,301 acre feet of San Juan Chama in Abiquiu and El Vado; making a

total of 81,543 acre feet in storage for the MRGCD. He said added to this is the hoped for full allocation of 20,900 acre feet, from the 2016 San Juan Chama project, and that total is approximately 102,500 acre feet. He said the San Juan Chama project will most likely under deliver again this year, however the MRGCD should still be very close to the 100,000 acre feet mark. Mr. Gensler said in getting to this amount, the MRGCD had to dig deeper into the Rio Grande Compact (RGC) allocation of storage relinquishment credits to the tune of 23,489 acre feet this year and that is considerably more than expected due to the ongoing accounting dispute between Reclamation and New Mexico and Mr. Gensler gave a brief history of this accounting disagreement and, unfortunately, Reclamation is the official arbiter of the RGC and the MRGCD is forced to accept this accounting.

Mr. Gensler said most of the water stored in El Vado for minnow ops; which is now called the El Vado Resolution, is getting released and this morning somewhere around 1,000 acre feet was still in storage and will be gone by Wednesday morning. He said 6,000 acre feet of this water is stuck in Abiquiu, the release is limited for a time due to the downstream channel capacity and should all be out and going downstream by the end of the week. Mr. Gensler said Colorado flows have been unexpectedly high the last ten days and are winding down and so the runoff is about to end. He said the MRGCD should see things trending down slowly this week and falling off very quickly next week.

Mr. Gensler said overall things have been easy for the MRGCD the last few months and flows have stayed well above demand. He said diversions have been able to operate normally; with no shortage of any kind. He said there was a brief period back in April where flows dropped, that passed and have stayed well above the threshold for the rest of the spring. Mr. Gensler said he mentions this because the storage and flow conditions will need to be considered for Water Bank curtailment. He said the storage threshold is approximately 81,000 acre feet, but potentially could be above that in August.

Mr. Gensler said today's flows are about 450 cfs at La Puente, 1,450 below Abiquiu and 2,070 cfs at Embudo. He said this is resulting in about 3,400 cfs at Otowi and 3,500 cfs released from Cochiti. Mr. Gensler said the USGS gauge is showing about 2,800 cfs at Albuquerque today and it will be trending steadily down. He said hopefully this will lessen the sand problems at Isleta Dam which have been particularly bad the last ten days. Mr. Gensler said that Cochiti is diverting 140 cfs, Angostura 105 cfs, Isleta just under 500 cfs and still no diversion at San Acacia with 200 cfs supplied to the Socorro Main from the Unit 7 system.

Director Kelly asked about the accounting issue with Reclamation and NM and discussion followed. Director Sichler asked about the peak flows in the river over the past days and Mr. Gensler recited a few of those peak flows. Director Sichler said the reason he asked is because he crossed the river in Los Lunas a couple of weeks ago and it appeared that the river was trying to top the banks and there is a lot of brush and growth in that area and maybe the MRGCD should be speaking with Reclamation. Mr. Hamman said that Reclamation has been doing surveys up and down the channel and have probably identified some of these points in the system and the MRGCD is also concerned about some drains as well. He said from the South Diversion Channel to Belen is the most critical focus area of the Corps right now and they are beginning to develop their plans and they are going through preliminary discretions of the local sponsor on that and the price tag is high it will take a that kind of solution long term to really deal with the problem in that reach. Mr. Hamman said he will discuss this directly with Reclamation and maybe the Board can get a report from them and he will submit a request to get a full report on their findings in that reach.

c. Discussion – Corps of Engineers Proposed Agreement on Rio Grande Environmental Management Program Plan with MRGCD as Local Sponsor – Mike Hamman, MRGCD CEO/CE

Director Kelly said he is very interested in this project, explained his relationship with this project and said that given the perception of a conflict of interest, he would like to step out of the room during Mr. Hamman's presentation. Mr. Wiggins, MRGCD General Counsel said he didn't feel it was necessary for Director Kelly to leave the room and Director Kelly said he would prefer to leave the room.

Mr. Hamman said the Board raised some questions when this draft agreement was presented at the last Board meeting. He said he took the agreement back to the Corps on a couple of questions; particularly the issue of engaging with the Pueblos of Sandia and Isleta for a “working relationship between the Government; the Non-Federal Sponsor and Pueblos of Sandia and Isleta through a mutually developed formal strategy of commitment and communication embodied herein,...” He said this will ensure the consultation process with the Pueblos and Non-Federal Sponsors. Mr. Hamman said he also consulted with the NM Interstate Stream Commission and explained that revision. He then went on to give details of the funding for the agreement.

Discussion followed with questions including the scope of the agreement, the possible financial obligation for the MRGCD, a possible study of the Corrales Siphon area and the Board’s concern about doing this study on Pueblo lands without their direct participation.

Vice Chairman Oglesby made the **MOTION TO APPROVE MR. HAMMAN EXECUTING THIS AGREEMENT AS WRITTEN PENDING SOME KIND OF WRITTEN AUTHORIZATION FROM THE PUEBLO OF SANDIA AND ISLETA SAYING THEY ARE WILLING FOR THE MRGCD TO DO THIS AGREEMENT. FURTHER, IN THE EVENT THERE IS NO AUTHORIZATION IN THE TIME FRAME NECESSARY, TO EXECUTE THE AGREEMENT, BUT LIMIT THE STUDY AREA TO THE SOUTHERN BOUNDARY OF THE PUEBLO OF SANDIA TO THE NORTHERN BOUNDARY OF THE PUEBLO OF ISLETA.** Vice Chairman Oglesby stated that he didn’t want to miss out on this opportunity, but wanted Mr. Hamman to have the discretion to bring it into the MRGCD jurisdiction should the Pueblos not sign on in the time frame necessary. Director Dunning seconded the motion and asked about the time frame for the agreement and Mr. Hamman responded. The **MOTION CARRIED** unanimously.

- d. Discussion – Policy Regarding Fee Structure for Licenses for Access & Services – Mike Hamman, MRGCD CEO/CE & Ray Gomez, MRGCD Engineer Supervisor

Mr. Hamman said that staff was tasked to re-evaluate the fee structure associated with licensing permits and staff received information from AMAFCA relative to goods and services they provide to the general public and this was used by Mr. Gomez in working out his recommendations.

Mr. Gomez presented his schedule which included the current fee, the recommended MRGCD fee and comparison fees with other agencies. He then reviewed each line item on the schedule and discussion followed.

Vice Chairman Oglesby asked if this item was up for approval at this meeting and Mr. Hamman responded that it was for discussion purposes only and a resolution will be prepared for approval. Director Kelly said he noticed there was no fee for sediment and Mr. Gomez explained. Director Kelly said he would like to be explicit as a Board that Mr. Gomez has approval to give sediment away to any contractor that wants it and that contractor should sign some type of license to enter the property and maybe this should be a discussion with MRGCD Division Managers on how this works. Director Kelly said he would like it on the record that the MRGCD is not giving sediment away, that it is being made available at no charge to reduce maintenance costs and to clean out stockpile areas. Director Sichler said he concurs and the material is not of a quality that anyone would want. Mr. Gomez said any contractor that does work on MRGCD property is required to have a permit and, at the very least, a certificate of insurance. Director Kelly said would like to see this move forward into a policy much like AMAFCA where the policy is good year by year and the rate structure is reviewed once a year.

- e. Discussion – Draft Resolution on Policy on Serving as Fiscal Agent on the Acceptance of State of New Mexico Capital Outlay for Use by Non-Governmental Entities – Mike Hamman, MRGCD CEO/CE & Lorna Wiggins, MRGCD General Counsel

Mr. Hamman said he worked with Ms. Wiggins on this and has developed a resolution similar to that of Bernalillo County which they have put in place. Ms. Wiggins gave one revision to the resolution and then opened up for discussion. Several of the Board members and legal counsel provided their input and revisions to the resolution. Ms. Wiggins said they have time before the next

legislative session to work on this resolution and the resolution will require notice to the public of thirty days for feedback. Director Dunning said that when this resolution passes, there needs to be communication with NM Legislators and the public to advise them. Ms. Wiggins said that she will work on the suggested revisions to this resolution, coordinate with Directors Kelly and Oglesby to ensure that she has captured all the revisions and bring back to the Board for their consideration and approval.

- f. Report – High Flow Experiment on the Rio Chama Below El Vado Dam – Mike Hamman, MRGCD CEO/CE

Mr. Hamman reported the Rio Chama Optimization Study Group in their process of evaluating the opportunities for improving geomorphic and channel conditions for two purposes; reconnecting with the flood plain and the second is to see what sort of scouring and bank erosion occurs for mapping relative to the gravel bed formation and for the propagating of the species. He said they did perform a high flow experience two weeks ago Wednesday and there was quite a bit of overbank. Mr. Hamman said the experiment was successful from the standpoint of clearly demonstrating that they do have the capability to do what they call deviation storage and release from El Vado for two purposes 1) to do a one day 4,000 cfs release in which about 300 cfs came out of the power plant and he went on to explain and 2) he said the remaining 3,700 cfs came out of the outlet works flip bucket and it was pretty impressive to see it go into the plunge pool. Mr. Hamman said he thinks they achieved the goal they were requested to do and was successful from the standpoint of demonstrating the erosion of the cut banks and reconnect certain flood plains to the river channel in several areas. He said they will continue to look at it and will complete the final release of the re-regulated block of the water stored that was allocated for the high flow experiment and also for minnow and spawning period flows. Mr. Hamman gave additional information on the goals of the study group and the success of the experiment.

- g. Report – Agency Executives Tour with Benjamin Tuggle, Regional Director, US Fish & Wildlife – Mike Hamman, MRGCD CEO/CE

Mr. Hamman said last week there was a joint meeting and tour with executives from the NM ISC, the NM State Engineer, the Corps of Engineers, Reclamation, ABCWUA, US BIA and Dr. Benjamin Tuggle, Regional Director of the US FWS. Mr. Hamman gave a brief review of the tour locations and discussion topics. He said they will be meeting with Reclamation and the FWS on the 28th of June to go over the discussion items and is optimistic about these conversations. Dr. DuMars said there are three different sections of the ESA that are at issue and he gave input on those three sections.

- h. Approved Licenses for May 2016 (For Informational Purposes Only)

There were no questions on the approved license report.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

- a. Bureau of Reclamation – Jennifer Faler, Area Manager

Ms. Faler was not available to report at this meeting. The following summary report was received electronically from the Bureau of Reclamation.

1. Heron Summary

Content = 124,809 ac-ft. (06/09)
 Azotea Tunnel: 800-900 cfs
 Total SJ-C inflow year-to-date: 63,127 ac-ft.
 Currently releasing: 0 cfs
 Current MRGCD storage: 6,300 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 06/09:
97,938 ac-ft.
- B. Native in El Vado
45,013 ac-ft.
- C. MRGCD SJ-C storage in El Vado
13,457 ac-ft.
- D. MRGCD EDWA:
23,268 ac-ft.
- E. NMISC EDWA:
1,184 ac-ft.
- F. P&P:
14,278 ac-ft.
- G. All other SJ-C contractors:
738 ac-ft.

Current release is 650 cfs RG Inflow is 500-600 cfs

3. Storage in Abiquiu

Content = 137,742 ac-ft. (06/09)
MRGCD SJ-C storage = 1,854 ac-ft.

Total water for minnow released to date in 2016: 0 ac-ft.

Snowpack Data
Melted Out

b. Bureau of Indian Affairs

Sandra Lucero, BIA Acting DE gave the report. She said the final P&P storage target from the May forecast is 14,473 ac-ft. She gave a payment review for the 2016 irrigation season O&M agreement, said the next quarterly meeting is scheduled for June 14th, reported the Condition Assessment has been finalized and she brought in two copies for the MRGCD, and the Designated Engineer position selection is still on-going. Director Oglesby said he has received mixed messages about funding from the Pueblo Irrigation Improvement Act and Ms. Lucero said she didn't have information on that.

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

a. Discussion of Isleta Dam Negotiations – Dr. Charles T. DuMars, Chief Water Counsel

Dr. DuMars reports there are two parts of this negotiation on Isleta Dam and one is sediment removal. He said this discussion it is going very well; however, there is no final agreement for disposal of the sediment, but very close. Director Kelly asked under what premise do they have with damages on something that is fifty years old and Dr. DuMars explained. Dr. DuMars said the larger negotiation is the monetary issue and they are much closer than they were and he is hopeful they will get this issue resolved.

- b. Report – Rio Grande Silvery Minnow Issues – Dr. Charles T. DuMars, Chief Water Counsel
- c. Report – Mandamus Action in Santa Fe District Court – Dr. Charles T. DuMars, Chief Water Counsel

Dr. DuMars said on these issues he is providing copies of all of the briefs that have been filed recently in the State of NM County of Santa Fe District Court. He said he and Mr. Redmond put together the third brief and filed it on June 10th with the MRGCD reply in support of the motion to intervene and he feels this case will be dismissed.

Dr. DuMars said he has an additional item that is not on the agenda, but wanted to give the Board information. He said the [Acequias Norten](#) has contacted the [MRGCD](#) regarding [the hearings on the storing of water at El Vado](#) and [LRPA](#) has looked into [the procedural situation and the matter is going through the State Engineer](#). He said on two occasions the Office of the State Engineer held status conferences and both times the Interstate Stream Commission had multiple objections saying they had to go to the Rio Grande Compact Commission and so he wrote a letter saying [that the MRGCD understand the arguments](#) and the [MRGCD](#) never agreed to do [get involved in any interstate compact issues](#). The idea was to help the [Acequias Norten](#) but not spend additional legal fees. If [ISC and the Acequia Norten](#) come up with something, let them know.

AGENDA ITEM NO. 11 – REPORTS FROM THE BOARD

- a. Report – MRCOG Executive Board & Board Meetings – June 9, 2016 – Director Dunning

Director Dunning said she attended the two different meetings and what was discussed in the Executive Committee Meeting went on to the full board for approval. She said they approved their budget for next year and they are just like the MRGCD; dipping into their reserve, and there was a lot of discussion on is it sustainable. She said they made the decision not to raise rates a lot this year; however, they may have to raise dues to cover the deficit. She said some dues were raised and it is based on population. Director Dunning said they made a motion that the board packet will be on their website 72 hours prior to the meeting. She said she will work on a resolution for a Memorandum of Understanding to submit to the MRCOG Transportation Board on behalf of the MRGCD as a member agency. She said that Rio Communities is now a member of MRCOG.

Director Kelly made the **MOTION TO APPROVE THE REPORT FROM DIRECTOR DUNNING ON THE MRCOG EXECUTIVE BOARD MEETING & REGULAR BOARD MEETING OF JUNE 9, 2016**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 12 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)7)
 - 1. Threatened or Pending Litigation

Vice Chairman Oglesby requested a motion to move into Executive Session.

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

Vice Chairman Oglesby requested a roll call vote:

Director Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Absent
Director Kelly	Yes	Director Sichler	Yes
Director Romero	Yes		

The **MOTION CARRIED** unanimously.

Vice Chairman Oglesby adjourned the meeting at 5:45 pm.

Vice Chairman Oglesby reconvened the meeting at 6:15 pm.

Vice Chairman Oglesby requested a motion to move back into the regular Board meeting. Director Kelly made the **MOTION TO MOVE BACK INTO REGULAR SESSION**. Director Romero seconded the motion.

Vice Chairman Oglesby requested a roll call vote:

Director Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Absent
Director Kelly	Yes	Director Sichler	Yes
Director Romero	Yes		

The **MOTION CARRIED** unanimously.

Vice Chairman Oglesby said discussion was had and no decisions were made.

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

The meeting was adjourned at 6:17 pm.

Approved to be the correct Minutes of the Board of Directors of June 13, 2016.

Attested:

David M. Fergeson
Secretary/Treasurer

Adrian Oglesby, Vice Chairman
MRGCD Board of Directors