MINUTES OF THE
THREE THOUSAND SEVENTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
MAY 8, 2017

Directors having been duly notified, Chairman Lente 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
Glen Duggins  Vice-Chair  Absent
Adrian Oglesby  Director
Karen Dunning  Director
John P. Kelly  Director
Chris Sichler  Director
Beverly Romero  Director  Absent

STAFF:
Michael A. Hamman  Chief Engineer/CEO
Dr. DuMars  Chief Water Counsel
Lorna Wiggins  General Legal Counsel
David M. Fergeson  Secretary/Treasurer
Jeanette Bustamante  Administrative Officer
Ray Gomez  Engineer Supervisor
Mike Lopez  Construction Technician
Alicia Lopez  Engineer Technician
Sloan Washburn  Belen Division Manager
Jason Casuga  Engineer I
David Gensler  Water Operations Manager
Joe Brem  Albuquerque Division Manager

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

Orlando J. Lucero,
Joaquin Baca,
Jeff Willis, AMAFCA
James Martin
Leroy Baca, Tome, NM
Sandy Rasmussen, Corrales Main Street

John Thompson, MRGCD Lobbyist
John Avila, Village of Corrales
Pat Clauser, Councilor Village of Corrales
Phyllis Gillis
Gary Stansifer, OSE
Dr. Lee Reynis, UNM

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente requested that Director Dunning 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.

Director Kelly made the MOTION TO APPROVE THE May 8, 2017 AGENDA AS MODIFIED. 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 – May 8, 2017
Director Dunning had questions on the damage claim settlement and Director Kelly questions the quantity of sand bags purchased. Mr. Hamman’s response for the settlement was negotiated and their amount represents 50% of the cost and the payment is under the deductible and the sand bags are in emergency preparation for any potential flooding.
Chairman Lente called for approval of the May 8, 2017 Payment Ratification.

Director Kelly made the MOTION TO APPROVE THE PAYMENT RATIFICATION OF MAY 8, 2017 AS PRESENTED. Director Dunning seconded the motion. The MOTION CARRIED unanimously.

b. Consideration / Approval of March 2017 Invoice for Law and Resource Planning Associates

Chairman Lente called for approval of the March 2017 invoice for Law and Resource Planning Associates. There were no questions from the Board on the invoice.

Director Dunning requested a presentation on ownership with his attorney report.

Director Kelly made the MOTION TO APPROVE THE MARCH 2017 INVOICE FOR LAW AND RESOURCE AND PLANNING. Director Dunning 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 – April 10, 2017

Chairman Lente called for approval of the minutes for the Regular Board Meeting April 10, 2017. Director Dunning had one correction.

Director Dunning made the MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING APRIL 10, 2017 AS AMENDED. Director Sichler seconded the motion. The MOTION CARRIED unanimously. Director Kelly abstained he was absent the April 10, 2017 meeting.

AGENDA ITEM NO. 5 – REPORT FROM DR. LEE REYNIS, UNM – MRGCD FINANCIAL ANALYSIS AND PLAN FOR FUTURE CAPITAL OUTLAY AND VEHICLE AND EQUIPMENT REPLACEMENT

Dr. Lee Reynis provided a review of MRGCD Finances: Dr Reynis discussed expenditures historically and made distinctions regarding Recurring and Non-recurring. She indicated that the overall annual growth of total expenditures increased by 2.9%, and Recurring expenditures by 4%. The biggest item is personnel services. Capital outlay declined with exception in years 2009 and 2015. Going forward in the future Capital Outlay will grow sharply; i.e., fleet replacement @ $12M, Efficiency Improvements @ $25M, Corrales Siphon (replacement) @ $8M, El Vado @ $15M, ESA Projects (BO Commitments) @ $8M, Bernardo @ $10M, Buildings & Facilities @ $5M, Corp of Engineer Levees @ $87.5 M and Isleta Diversion Dam @ $2.5M. Employee wages, salaries and benefits from 2003-2017 is approx. 60% of the budget; and the workforce is stable.

MRGCD total revenues from 2003-2017 is at 1.6% with the Non-recurring @ (-2.2%) and Recurring @ 2.2%. Revenue Prospects: the non-residential base, including locally and centrally assessed properties is small and has grown negligibly since 2000, and the residential base is substantial due to new construction as well as rising property values was strong leading up to the (Great Recession in 2008), but the recovery has been slow in coming. Dr. Reynis noted that the state and local economies have stagnated and this slow growth is adversely affecting MRGCD revenue growth now and in the foreseeable future. Labor costs could easily outpace revenue growth. Recommended that the District may need to sharply increase its’ spending on capital outlay; buildings and facilities in addition to vehicles and equipment, $173 M in needs have been identified. Meeting these needs will require development of new strategies, including discussing the issuance of bonds.
Director Sichler, commented that NM State Statutes set the non-residential value at 1.25 times the residential value. Dr. Reynis responded if someone would direct her to the statute and will verify and make the necessary corrections to the report.

Director Dunning questioned missing audit figures for personnel/retirement and asked if it could be rolled up onto benefits. Mr. Fergusson deferred the question to Dr. Reynis and she will review the numbers and make sure that it’s correct. Dunning asked for clarification if the building and facilities are the BOR or MRGCD. Mr. Hamman stated that is primarily MRGCD and BOR facilities come under their payments.

Director Kelly commented that this study you have been working on has been under the two executive officers and two treasures, so you have probably had varying sources of information, but this is true real look of MRGCD finances and pleased to say that the District is finally looking how are we going to do these programs in the next 10 to 20 years and some projects may be suitable for long-term and others pay as we go. I hope we can continue to have the success with the Water Trust Board. Grants and levee programs; in 2009 and 2015 were 2 levee jobs; Albuquerque West Levee and San Acacia that spiked our expenses. Looking over a 10 year program this is huge so that the Board as well as our constituents can understand these ongoing projects. Our ESA commitment for the new BO (Biological Opinion), and we can’t back off we need to figure out how to support them. Some programs may be long term and some pay as we go.

The comparison of Wages and Salaries to the Employee Cost Index. Director Kelly dated he wasn’t on the board; in 2006 the District had to do some catch up to remain competitive in the construction market for equipment operators and Irrigation System Operators. This is why we are evaluating the employee compensations, and we all know all agencies are facing benefit increases. Past boards reduced our mil levy for reasons that were not very well explained or at least documented. Director Sichler interjected and stated the Water Service Charge has not been adjusted since its inception in 1995, but as an elected official, we have an obligation to be sure we provide services to our constituents, and we are trying to catch up to where we were in 2000 with regard to rates. There was more discussion regarding bonds, etc. The Chairman went on to the agenda item.

**AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR**

a. Leroy Baca, asked for clarification when and what time the Board Meeting are. The Chairman advised Mr. Baca that the Board meeting are on the 2nd and 4th Monday’s of the month. Mr. Baca then expressed his concern of turnover of ISO’s in the Belen area and the ditches are not being maintained and his third question was; and thirdly to schedule cutting of the weeds. Chairman apologized for the miscommunication of when the meetings are held and in regard to the other two matters he would like Mr. Hamman to meet with Mr. Baca and discuss his concerns and work productively together to resolve your issues. Mr. Hamman advised the Chairman and Mr. Baca that he will schedule a meeting with Mr. Baca in his locality. Chairman Lente also advised Mr. Baca that Board Meetings are scheduled once annually in the other respective counties; Sandoval, Valencia and Socorro counties and these meeting are advertised in the newspaper.

b. Mike Lundmark stated he came to advise the board that there are a lot of things going right, and it has never been easier and more efficient and it’s not just because we have a lot of water in the river, when I started farming 20 years ago there was no scheduling of
there was no rhyme or reason. I finished my first watering and I called to schedule my second watering and it was seamless and I am watering at midnight tonight, so I come here to recognize a couple of MRGCD employees. Mike Apodaca I personally recognize him and hope that you will do the same. Another employee is Andrew Ortega the first time I dealt with him I scheduled water and I told him I’ll call him a day or 2 before had and Mr. Ortega no need you are scheduled and to just call him is he doesn’t have the water. This is efficient and I can organize my workday around the irrigation schedule it’s been spectacular here. You have 13-14 ditch riders so there a lot of activity with the water, diverting from different ditches, but I wanted to recognize these two ditch riders for the outstanding work and good service they are providing. In regards to the maintenance before the irrigation season starts Jim Russel is doing an outstanding job along with Frank Lovato and his responsiveness, and I just want to say thank you to them for all their good work. I also want to recognize the Belen Division Manager he is motivating and Chairman Lente extended his appreciation for the comments and asked for any other questions or comments from the floor. Director Kelly also wanted to share an email from Mr. Art Peterson, Contractor and he wanted to thank the crews who worked diligently to remove the beaver dams on the Duranes on Campbell road. Director Sichler also wanted to thank the Belen Division Manager as well and I have seen a definite improvement in that division. The Chairman said thank you so we will move on to the agenda item.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

a. Reports from the US Department of Interior – Jennifer Faler – NOT PRESENT.

Following is the BoR Water Report for 5-08-17

1. Heron Summary

   Content = 120,694 ac-ft. (05/04)
   Azotea Tunnel: 300-400 cfs
   Total SJ-C inflow year-to-date: 53,190 ac-ft.
   Currently releasing: 100 cfs
   Current MRGCD storage: 4,888 ac-ft.

2. El Vado Summary

   A. Total storage (all contractors and natural) in El Vado as of 05/04: 65,452 ac-ft.
   B. Native in El Vado
      18,751 ac-ft.
   C. MRGCD SJ-C storage in El Vado
      31,728 ac-ft.
   D. P&P:
      14,881 ac-ft.
   E. EDWA:
      0 ac-ft.
F. All other SJ-C contractors:
   92 ac-ft.

   Current release is 500 cfs     RG Inflow is 1,400 cfs

3. Storage in Abiquiu

   Content = 130,931 ac-ft. (5/4)
   MRGCD SJ-C storage = 0 ac-ft.

   Total water released for minnow to date in 2017: 0 ac-ft

Snowpack Data

As of 5/5/17 (% of median)
Rio Chama Basin..................160%
Upper Rio Grande Basin..........102%
Sangre de Cristo Basin..........98%
Jemez Basin........................0%
San Juan River Basin............97%

May Streamflow Forecast

Rio Grande @ Del Norte CO  505,000 ac-ft (98%)
El Vado Reservoir Inflow (Mar-Jul) 385,000 ac-ft (171%) April forecast
Rio Grande @ Otowi  920,000 ac-ft (128%) April forecast
Jemez R. below dam  31,000 ac-ft (91%)
Rio Grande @ San Marcial  625,000 ac-ft (123%) April forecast

b. Reports from BIA Designated Engineer, Viola Sanchez – NOT PRESENT

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


   The runoff is starting to heat up, it snowed 9 days ago, and the cool weather slowed down our runoff. But warmer temps have returned and flows are again rising. The May 1st storm put another 10-12" of snow up in the Chama basin. As of this morning there was 37" of water at the Cumbres Tresle Snotel, that’s nearly twice as much water as is normal for May 8.

   Storage at El Vado is at 82KAF this afternoon. We emerged from Article 7 storage restrictions back on April 9th. There has been about 36,300 AF of RG stored since then. The first 20,300 gets “locked up” under the RGC, so the District now has about 16KAF of “usable” water in storage.

   Obviously there have been no water concerns for the District this spring, plenty to go around. The drains are running very high in many areas, and high water tables have been noted around the valley. There are a lot of sediment concerns and there is a lot of maintenance required especially at Isleta. Belen crews are dredging daily at Isleta dam in the intake boxes and canal headings. It is not a small task.

   We have had water up in the bosque for several weeks, and I expect that’s where the fish are, and see what appears to be a poor or nonexistent reproduction this spring, judging by the egg monitoring in the main channel, that’s where they look for eggs. Later in the year we might expect to see good numbers in the fall.
Director Kelly asked why would the BOR worried about the rapid rate of fill. Mr. Gensler responded there’s a specific concern it’s just a general policy and they don’t like to see reservoirs rise super-fast, and I think the number is sort of arbitrary. Director commented it is a social issue not and engineering, and Mr. Gensler responded it more of a rapid rise issue and for BOR just good policy to have.

Director Sichler asked about El Vado and our status being in Article 7. Mr. Gensler stated that anything parked now is out of article 7 we will have a substantial compact deficit this year.


Mr. Gomez presented a very detailed power point presentation as follows:

2017 SPRING RUNOFF & LEVEE UP-DATE
Albuquerque West Levee @ I25
Releases from Cochiti for April for 2017
River flows overbank into the Bosque
Isleta Pueblo; constructed dike to prevent river flows from spilling into the Barr Chical
River flows @ Sabinal Drain Unit 7 where burrows were observed in the spoil bank, and sloughing, and rock armoring of drain slope
Spoil bank levees & drain roads are being stabilized
The Lower Belen Riverside Drain & Black Bridge South of River Rd, in Belen high river flows threaten to over bank into the riverside drain and rock armoring was placed

We continue to go out and inspect, evaluate and identify areas of concern and make the necessary repairs. We also had some flood fighting training for approximately 45 employees who attended the Flood Fighting Training.

FLOOD FIGHTING EFFORTS
River & Levee Monitoring
Identify, locate and repair areas of concern
Up-date MRGCD Emergency Action Plan
Identify staging areas for stockpiling rock and suitable earth fill
Coordinate flood fighting efforts with local and federal agencies
Purchase sand bags
Obtained access to rock supply at the Red Canyon Quary in Socorro
Flood fighting training with the USACE, Steve
   a. Proper filling of sandbags
   b. Stacking sand bags
   c. Construction a ring dike
   d. Setting an impermeable plastic barrier along levee slopes

We are also in the process of updating our Emergency Action Plan that was originally adopted back in 2005. We are having good cooperation with all the other agencies.

In closing the MRGCD has put in a lot levee hours so far, so at the end of the day you with this if the runoff goes until June or July we want to make sure that we can say MRGCD did everything it could to be ready for any flooding or levee breach or any situation. I would like to thank the engineering department, and the division Managers and their staff for all their hard work.

c. Discussion and Approval of Resolution #M-05-08-17-148 State of New Mexico PERA SmartSave Deferred Compensation Plan – Christin Nardi, MRGCD HR Director.

Ms. Christine Nardi, MRGCD HR Director stated that the PERA Smart Save Deferred Compensation Plan is sponsored by NM Public Employees Retirement Association and it is a PERA-managed 457(b) plan where
employees can take advantage of increased retirement savings opportunities. NM PERA contracts with two other entities and each plays a different role in PERA SmartSave. The first is Nationwide Retirement Solutions which provides recordkeeping, marketing and outreach services, and acts as the custody bank of the participants’ funds. The second is Meketa Investment Group which provides investment recommendations for the 18 mutual funds offered in PERA SmartSave. There are currently over 19,300 participants in the PERA SmartSave Plan with over $513 million assets under management. Employees who elect to enroll in this pre-tax payroll retirement plan would make contributions to the PERA SmartSave 457(b) plan strictly on a voluntary basis. This plan would not be matched by the MRGCD. There are no increased administrative or startup costs to the MRGCD to implement this plan. Therefore, we request board approval of Resolution M-05-05-17-148 PERA SmartSave.

Chairman Lente called for approval of Resolution M-05-08-17-148 State of New Mexico PERA SmartSave Deferred Compensation Plan.

Director Kelly made the MOTION TO APPROVE RESOLUTION M-05-08-17-148 STATE OF NEW MEXICO PERA SMARTSAVE DEFERRED COMPENSATION PLAN. Director Oglesby seconded the motion. The MOTION CARRIED unanimously.

d. Appreciation Letter from the Office of the State Engineer - CEO, Mike Hamman

Mr. Hamman provided a copy of the appreciation letter as an FYI

e. Discussion of Draft Resolution #M 05-08-17-149 Authorizing CEO to Finalize and Execute a Memorandum of Agreement with Village of Corrales for the Completion and Implementation of the Village Master Trail Plan. – CEO, Mike Hamman

Mr. Hamman introduced Village Councilor Ms. Pat Clauser, and John Avila, Village Administrator of the Village of Corrales. Ms. Clauser I just wanted to thank the Board, Mr. Hamman and Ray Gomez and to discuss the Master Trail Plan. It was in 2009 when we the Master Trail Plan and wanted to thank all of you for your help. Directors Oglesby and Dunning have been out there and Mr. Hamman has been very responsive, and we are not asking for any change we’d just like to continue working together. Mr. Hamman advised the Chairman that the resolution was included as a draft and we will continue to work with Corrales to work out any issues. This approach will continue to review, modify and work the trail plan process. We work closely to work out any issue. The Village has accepted staff comments and we are not necessarily creating a dedicated trail system. We will have adequate right-of-way to improve trails.

Director Kelly expressed he is pleased that we are delegating the authority to our CEO with broad level of approval. He then remarked that there is NM State Statute regarding liability allowing our facilities to be used for recreational purposes, should there be a specific recital in this resolution. Ms. Wiggins responded that the current state of this resolution is fine. The resolution approval was deferred until the next board meeting.

f. Report on Attendance of the April 27, 2017 AMAFCA Board Meeting – CE), Mike Hamman

1. Request for AMAFCA Board Consideration of Partnering with MRGCD on the Corps of Engineers RGEMP Feasibility Phase.

Mr. Hamman stated the MRGCD is working closely with COE with RG Management Program. It is under the new Writ authorization that congress approved. It is a small unfunded process of developing sites within the RG basin from Colorado down to Texas; developing programs that would be “Shovel ready” for construction funding down the levee. The Corp had a small amount of funding, which we were expecting to get reimbursement on some previous environmental program work that we participated in so we authorized that the small amount of maybe $25,000 RSI, and Corp had uncompleted components of the stretch of construction work could easily build upon this new program. So when headquarters asked their relative division what would work quickly this one came to the top of the heap so it was a quick turnaround time where they authorized funding and MRGCD
would be the local sponsor, but we were not willing to be the only sponsor for the program with the commitment of the Corp to approach the pueblos and all the local governments because of our budget situation. We had a meeting with the Utility Authority and AMAFCA. What we are hoping to do is get a mitigation bank of the environmental projects

2. Update on the Montano Gap Levee Project FEMA Grant Application

The Montano Gap Levee Project is probably one of the most expensive projects. City of Albuquerque shall be the local agency responsible for maintenance. Director Kelly asked if the District needs to prepare the engineering services for design, construction and inspection, and Mr. Hamman stated they are looking into the process. Director Kelly then remarked if we go the traditional route of design the steps are a lot clearer, the project size could be through a bidding aspect, but don’t want to mess with the design build aspect. He also stated it may be prudent to utilize one our own engineers to serve as the project manage, for process design services through peer review and approvals. Director Kelly also recommended outsourcing because there is competition throughout the region for this kind of design work, and it’s not fair to go to one of our own on-call engineers because it’s easy.

Director Dunning stated there is a real concern that we would ruin lots and lots of old cottonwoods, is the same project are they going to remove all the cottonwoods. Mr. Hamman stated the concept will be to streamline the footprint as much as possible using the right-of-way and prevent as much disturbance on the Bosque and this is going to be a really big collaborative project.

3. Update on South 2nd Street/Valle de Oro Storm water Management Project.

AMACFA is in the middle of working on the S. Valley storm water run-off and they need outfalls at the Valle del Oro area and this work will be coordinated with the Bar Interior work to be done. Both Valle del Oro and AMAFCA have committed to help to deal with the flat stagnant main system. In the end this project with Valle del Oro will make it an attractive environmental feature. The District is working with Valle del Oro with the land exchange issues. They are also upgrading putting in safety feature

g. Report on the Bernalillo to Belen COE Levee Project – CEO, Mike Hamman.

Working closely with the COE for a 40 mile stretch for maintenance of the Valle de Oro area to Isleta west and south through Bosque Farms which is the most vulnerable area. We will be meeting with the Water Trust Board, AMAFCA, Bernalillo, State of New Mexico and Valencia County. The Corp has their procedures, etc. to get it approved.

h. Invitation from the Senate Energy and Natural Resources Committee to Testify on NM Drought Legislation on May 10th that was reintroduced by Senators Udall and Heinrich on May 2, 2017 – CEO,

Mr. Hamman provided the Board with a copy of a letter from the Senate Energy and Natural Resources Committee asking for the MRGCD to testify on the NM drought Legislation on May 2, 2017, and advised the Board that he and Chairman Lente will be traveling a testifying.

i. Report on MRG Pueblo Coalition Meeting on May 4, 2017 – CEO, Mike Hamman

Mr. Hamman advised the Coalition of the high river flows and the emergency measures the MRGCD is doing for flood preparedness, etc. Also advised the Coalition of the MRGCD Election that will be held on June 6, 2017.

j. Approved Licenses for March 2017 (Informational Purposes Only)

AGENDA ITEM 9 - REPORT(S) FROM THE MRGCD ATTORNEY(S) Chief Water Counsel

Dr. DuMars discussed with Board the Title issue

AGENDA ITEM 10 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS


Director Kelly advised the Board that the Finance Committee members have met with staff to go over the FY18 budget. He advised the Board that Mr. Ferguson is much closer projecting revenue and that there are surplus available and that there is need for Equipment, upgrading of time keeping system, paving of the General Office parking lot and repair to the sidewalk, along with repayment to the Corp of Engineers.

Director Kelly made the MOTION TO APPROVE THE USE OF FY17 SURPLUS MONEY TO PURCHASE BACKHOE, LOADER, PAVING OF GENERAL OFFICE PARKING LOT AND REPAIR SIDEWALK, REPAYMENT TO THE CORP OF ENGINEERS AND UPGRADE KRONOS TIMEKEEPING SOFTWARE AND ASSOCIATED HARDWARE FOR A TOTAL AMOUNT OF $940,000. Director Sichler seconded the motion. The MOTION CARRIED unanimously.

AGENDA ITEM NO. 11 – EXECUTIVE SESSION DUE EQUIPMENT MALFUNCTION THERE IS NO RECORDING WHEN WE RETURNED TO REGULAR SESSION

a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2)
   1. Limited Personnel Matters

Chairman Lente requested a motion to move into Executive Session at 5:45 pm.

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

Chairman Lente requested a roll call vote:

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The MOTION CARRIED unanimously.

Chairman Lente requested a motion to move back into the regular Board meeting.

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

Chairman Lente requested a roll call vote:

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The MOTION CARRIED unanimously.

Chairman reconvened the regular meeting at 5:56 pm.

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

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 5:58pm.
Approved to be the correct Minutes of the Board of Directors of May 8, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

John Kelly, Chairman
MRGCD Board of Director