MINUTES OF THE 2,165th REGULAR MEETING OF THE **BOARD OF DIRECTORS OF THE** MIDDLE RIO GRANDE CONSERVANCY DISTRICT JULY 13, 2020

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

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:02 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS

Karen Dunning, Madam Chair Joaquin Baca, Vice Chair John Kelly, Director Valerie Moore. Director Michael T. Sandoval. Director Barbara Baca. Director Stephanie Russo Baca, Director Present

Present Absent Present Present Present Present Mike Hamman Jason Casuda Dr. Chuck DuMars Lorna Wiggins Pamela Fanelli David Gensler DeAnna Philips Christine Nardi John Thompson Casey Ish

STAFF Chief Engineer/CEO Chief Operating Officer Chief Water Counsel General Counsel Secretary-Treasurer Water Ops Division Manager GIS Tech/Board Liaison HR Director MRGCD Lobbyist Water Resource Specialist

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

Estella Gamboa, MRGCD Dan Arguero, MRGCD Francesca Shirley, MRGCD Rick Altenberg, MRGCD Alicia Lopez, MRGCD Marta Moerch, MRGCD Matt Martinez, MRGCD Adrienne Martinez, MRGCD John Rutter Fred Moore Leslie Johnson, MD

Jenifer Faler, BOR Viola Sanchez, BIA Russ Baca **Terry Jaramillo** Larissa Gordon Trevor Burt Theresa Davis, Albuquerque Journal Page Pegram, NM ISC Chris Shaw, NM ISC Craig Fischbach

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

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

Vice Chair Baca was absent, and Director Moore ran late for the meeting.

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

Madam Chair stated the meeting is being held telephonically, all votes taken by the Board for the meeting will occur via rollcall vote.

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

Madam Chair Dunning asked that the following changes occur:

- Move and combine Item 9.b., Report on the Irrigation/Water Bank and Illegal Irrigators Committee, to Item 7.d.
- Move and combine Item 9.c., Report on the Finance Committee Meeting, after Item 6.b.

Director Baca made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Kelly seconded the motion. Rollcall vote was administered. The **MOTION CARRIED**.

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

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification July 13, 2020
- b. Consideration/Approval of June 2020 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of June 2020 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Regular Board Meeting June 8, 2020
- e. Memo on MRGCD Approved Licenses for June 2020 (For Informational Purposes Only)

No discussion or questions were raised with the Consent Agenda.

Director Kelly made the **MOTION TO APPROVE THE CONSENT AGENDA.** Director Sandoval seconded the motion. Rollcall vote was administered. The **MOTION CARRIED**, **unanimously.**

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

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

Fred Moore

Mr. Moore stated he's 76 years old and does not get around as much as he used to. He trains dogs, and he takes his family out onto the river to teach them how to hunt and fish, all while having respect for wildlife. He continued to say he's also been a member of the New Mexico Houndsmen Association for 52 years. He has gotten special use permits in the past to coon hunt at night. He requested vehicle access to the Bosque in the Belen Division.

Jason Casuga responded that the District is working on a gate policy, but more importantly, at the moment, there are restrictions and a vehicular ban in Valencia County due to the dry conditions and fires that have taken place recently.

Mr. Moore also expressed concerns that he's been trying to renew a special use permit for the New Mexico Houndsmen Association since July 2019. Madam Chair Dunning reassured Mr. Moore that Matt Martinez would be calling to see about getting Mr. Moore the special use permit, but it won't be able to be used until the ban/restrictions are lifted.

Terry Jaramillo

Ms. Jaramillo has lived near Tome for over 30 years; called in about the barriers on the ditch that go to Tome Hill. Her husband is handicapped, and the only thing he can do is ride a recumbent bike. Because of this, he cannot gain access unless a few people were to lift him and the bike over the barrier. She would like to see the barrier become handicapped friendly (as they have done with horse accessibility). She asked for the rules on ATV use on the ditches. She also commented that the other side of the ditch has barriers and is unkempt to the point that one cannot walk on it.

Mr. Hamman responded that the access policy is under review for policy and should be out soon. Ms. Jaramillo asked that in the meantime, can the barriers be kept open during the daytime. Mr. Hamman responded that one of the big issues is heavy vehicle use during the day; however and will take this under advisement.

Ms. Jaramillo also noted that there are no signs that suggest that driving vehicles is not allowed. Mr. Hamman thanked Ms. Jaramillo for the suggestion and noted that the District is looking at signage with the gating policy. Mr. Hamman added that the policy should be going to the Board for approval in a couple of months.

Ms. Jaramillo questioned the use of ATVs, and Mr. Hamman responded that MRGCD's system is for operation and maintenance for delivery of irrigation water and drainage. If there is excessive use of any ditches causing damage, he then stated the District must take action. Since MRGCD does not have sufficient law enforcement capabilities, MRGCD has had to gate many of its facilities.

Ms. Jaramillo ended with asking that MRGCD come up with a temporary policy until the policy is finalized to allow handicapped individuals access to the Bosque.

Leslie Johnson, M.D.

Dr. Johnson read the letter that she wrote to the Board into the record regarding signage along several of the MRGCD's controlled irrigation ditches in Socorro, specifically regarding a sign placed on the south side of Harold Drive at the northern margin of the Socorro city limits along the Florida Lateral. The sign is located at the northwest corner of her 50-acre farm and shows what is acceptable and not acceptable. Ms. Johnson reported that no one is enforcing these rules. Stating three and four wheelers speed up and down the ditch bank at all hours of the day and night and also cars and trucks regularly use the ditch bank as a shortcut. One of her neighbors with a surveillance camera has also seen what they believe to be suspicious activity, i.e., drug dealing, and Ms. Johnson has picked up syringes and beer bottles and cans. She felt with the new sign clearly conveying the rules, that it's the MRGCD's responsibility to enforce those rues and/or to work with city authorities to share the responsibility of enforcing them. As a taxpayer and MRGCD assessed property owner, she expects that something will be

done to stop the unauthorized and abusive use of this ditch road.



July 13, 2020

Board of Directors Middle Rio Grand Conservancy District P O Box 581 Albuquerque NM 87103

Dear Board Members,

Recently the MRGCD installed signage along several MRGCD controlled irrigation ditches in the Socorro area, and specifically one is placed on the south side of Harold Drive at the northern margin of the Socorro city limits along the Florida lateral ditch. This sign is just at the northwest corner of my 50 acre farm, and I was most appreciative and hopeful when I saw the installation.

If any of you are not familiar with the sign, it shows using pictograms and some short phrases what is acceptable or not acceptable use of the ditch per se and ditch bank road. Specifically, walking or hiking, walking with pets who are on a leash, bicycle riding and horseback riding are acceptable practices. Unacceptable uses of the ditch bank road include trash disposal, driving unauthorized vehicles, and driving motorized ATVs such as motorcycles, 3 and 4 wheelers. Also pictured and stated is a caution for no swimming.

The problem is that there is no attempt by any entity to enforce any of these rules. My home is less than 200 feet off the east side of the ditch and the motorcycles, and especially the 3 and 4 wheelers speed up and down the ditch bank at all hours of the day and night, creating incredible amounts of dust and noise, as well as endangering pets and other small creatures, pedestrians as well as themselves. Cars and trucks regularly use the ditch bank road also creating noise, dust and hazard to people and pets. My neighbor with a surveillance camera has witnessed near nightly suspicious behavior which he believes to be drug dealing, and indeed I have picked up syringes and too numerous to count beer bottles, cans and other trash thrown on my property along the ditch bank.

With the new sign which clearly conveys the rules, I feel it is now the responsibility of the MRGCD to enforce those rules and/or to work with city authorities to share the responsibility of enforcing same. I live in the city limits, pay my taxes and my MRGCD fees and I expect that something will be done to stop the unauthorized and abusive use of this ditch road.

Sincerely, and 5 Leslie S. Johnson, M.D. 530 Harold Drive Socorro, NM 87801

Jason Casuga responded that he would have to look at the map and talk to the planner, as this may be an area in which MRGCD has an agreement for a facility with the local government. He reiterated, as he did with other callers, that this is a complex issue, and the policy is being looked at. Mr. Casuga did not know if Ms. Johnson had specifically made a gate request, but he will have the Licensing Department reach out to her.

John Rutter

Mr. Rutter is the president of the New Mexico Houndsmen Association. Mr. Fred Moore, who spoke earlier in Public Comments, is the treasurer. He called in with shared concerns that Mr. Moore expressed earlier. He asked when the Bosque will be opened back up to vehicle access after the fire ban, will there be new locks in place, and if so, asked when keys will be available. Thanked the Board for their time.

Jason Casuga responded that MRGCD will not issue any special use permits while the ban is in place. The keys have been changed out, and MRGCD is not currently selling Bosque access keys. The fire ban will continue dependent on the monsoon season and the moisture/dryness of the Bosque.

AGENDA ITEM NO. 5 - REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Jennifer Faler reported that she will be briefing Reclamation's Commissioner this week regarding the hardships that New Mexico farmers, especially middle Rio Grande farmers, may face this year. BOR has been working closely with other water management agencies to support the District's options this summer for getting access to the compact water that is stored in El Vado and other mitigating factors, as well as BOR's attempt to avoid litigation this summer in Fish and Wildlife Service Enforcement actions. Ms. Faler stated everyone is working closely together, including MRGCD, to get through this year as best we could.

She finished with a different topic that Reclamation has assembled a team to store irrigation water at Abiquiu Reservoir during construction of El Vado Safety Dams Project. The WRDA bill included language that the Corps would need to be able to store that water for Reclamation in Abiquiu. She wanted to share and expressed the BOR's concerns for the farming community.

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

Viola Sanchez reported that if the debit water comes through, we will just keep operating the way we have been. If we do not get the debit water, Ms. Sanchez will have to consult with the tribes. Things are dire for the P&P too. Having the senior right of the river does not mean you never get shorted. It just means you are the last ones to be shorted. There could conceivably be some shortage for the P&P this year.

Things are changing fast out there, especially with the heatwave we've had recently. Currently, P&P is both the natural flow of the Rio Grande, plus what we have in storage. As of July 12th, we have used 65% of our P&P storage for July, and we're only 39% done through the month. We are releasing at a higher rate than what we stored for. Right now, if we are out on Thursday or Friday, we are going to be just about out of our P&P storage for the entire month of July, at about the same time as the District is asking for water. We had a small amount stored for P&P this year, because we did have some runoff. The August and September storage amounts for P&P don't change from year to year, because they're not connected to the snowmelt runoff. They're based on the low of record for those months. It's trying to reflect the monsoon season instead of the snowmelt for August and September.

Out of 3,539-acre feet available for July, we've used 2,220-acre feet and have 1,319-acre feet remaining as of July 12th. Our P&P storage for August, not including evaporation of 7,803-acre feet, and for September is 6,042-acre feet. Now, if we do go into this P&P-only operation by the end of the week here, first, we look to the natural flow and that does belong to the P&P. Right now, we are assuming that we would get nothing from the Rio Chama. The Rio Grande at Embudo is running about 170 to 180 CFS. Maybe 120 to 130 CFS will make the Cochiti Division because you do have losses. There is the Velarde Community Ditch Project, plenty of Bosque losses, riparian, and evaporation coming from Embudo, which is maybe 15 miles north of Espanola.

As a point of reference, we are running about 170 to 280 CFS from Embudo. The average for July 12th, long-term going back to the late 1800s, is 848 CFS. The maximum is 4,570 CFS for July 12th, and the minimum is 140. We're just running 30 to 40 CFS above the all-time minimum.

Mike Hamman, Jennifer Faler, and Viola Sanchez had a phone call a couple of weeks ago with Ms. Sanchez' boss, Chris Banet, trying to figure out what could be done for the minnow. Ms. Sanchez mentioned that while we could try and run more water through the Cochiti Division (however, Embudo did not hold up), there's really not a whole lot that we can do. We might make available to run 40CFS that they were planning to release from the minnow from Abiquiu. If they have any left by the time it gets down here, maybe run it through the Cochiti Division ditches as opposed to the river. Ms. Sanchez doesn't see a whole lot more that they could do. It is going to be next to impossible to keep the river wet below Angostura and Isleta. We cannot run P&P water through the river. There could be 250CFS of losses through that stretch, and there just is not that kind of water. We have 120 to 130CFS of natural flow, plus a little bit for storage.

It was requested by Mike Hamman, between the District and the Coalition, that an attempt be made to go ahead and trade the District's San Juan-Chama water for P&P water, with the thought being that if we did not use up all the irrigation water this summer, that any water left at the end of the year would be San Juan-Chama and would not be subject to Compact restrictions. We are not using the agreement right now. In talking to David Gensler, he just did not feel like we would have anything left, that we would be going through every drop of the District's water and the P&P storage that we have irrigation season. It doesn't look like there will be any benefit to exercising that agreement. If there is, it would be later.

As far as options for P&P releases, it is still on kind of wait and see. We have not had P&P-only operations this early since the '50s and '60s, maybe the early '70s, but conditions in the Valley were a lot different then. There was much less population. We did not have the kind of concrete diversions in the Rio Chama and Rio Grande that we do now, that the natural flows have to come through. Certainly, we did not have endangered species considerations. What we're looking at, probably either a steady release or a block release from El Vado. If we do a steady release, we could possibly have higher transportation losses getting down here. We would have to figure out how to divide the water between the natural flow or, rather, the stored P&P release and the minnow release. Combined August to September storage is only 13,845-acre feet.

Unfortunately, at this point, Ms. Sanchez' line disconnected from the meeting.

<u>AGENDA ITEM NO. 6 – REPORT FROM THE CHIEF FINANCIAL OFFICER</u> - Pamela Fanelli, CMA, CGFM

a. Review of FY20 Fourth Quarter Financials - Pamela Fanelli, Secretary/Treasurer

Pamela Fanelli reviewed the financials with the Board. The budget to actual comparison shows that the District budgeted a surplus for FY20 of \$48,539, which included a budgeted revenue of \$24,213,743 with a budgeted expenditure of \$23,155,567. There is an approximate \$75,000 projected surplus, which is based on unaudited financial statements. There are still year-end adjustments being made.

The primary reasons for an increase in actual revenues was because the ad valorem tax is coming in higher than budgeted, at \$494,000 higher than actual, and expenditures came in close to budgeted expenditures. MRGCD has approximately a million dollars included in actual encumbrances that we expect to pay in FY21.

Ms. Fanelli stated the FY20 audit is underway and is going as expected.

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Middle Rio Grande Conservancy District Budget to Actual Comparison For Fiscal Year 2020 (Unaudited)

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15 General & Administrative Expenses 337,402 342,219 335,596 966 (5,657) 16 Technology & Communication 336,770 315,353 306,114 2,030 (7,209) 17 Bank and other fees 22,500 31,948 30,831 - (1,117) 18 Ad Valorem Collection Fee 373,250 401,384 400,935 - (449) 19 Utilities 112,270 136,148 133,225 - (2,923) 20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,968) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,969) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - - - - - 0peration & Capital Grants 140,000 126,754 23,867 20,000 (82,871) 25	13	Employee Costs	266,222	204,616	193,869	4,313	(6,434)
16 Technology & Communication 336,770 315,353 306,114 2,030 (7,209) 17 Bank and other fees 22,500 31,948 30,831 - (1,117) 18 Ad Valorem Collection Fee 373,250 401,384 400,935 - (449) 19 Utilities 112,270 136,148 133,225 - (2,923) 20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,068) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,069) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - - - - - 0peration & Capital Grants 140,000 126,754 23,867 20,000 (82,887) 26 Debt service: - - </td <td>14</td> <td>Services</td> <td>3,615,718</td> <td>2,668,010</td> <td>2,382,424</td> <td>266,722</td> <td>(18,864)</td>	14	Services	3,615,718	2,668,010	2,382,424	266,722	(18,864)
17 Bank and other fees 22,500 31,948 30,831 - (1,117) 18 Ad Valorem Collection Fee 373,250 401,384 400,935 - (449) 19 Utilities 112,270 136,148 133,225 - (2,923) 20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,082) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,969) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - - (1) 24 Grant Expenditures - - (1) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - - (6) 27 Interest 50,226 51,320 51,313 - (7)	15	General & Administrative Expenses	337,402	342,219	335,596	966	(5,657)
18 Ad Valorem Collection Fee 373,250 401,384 400,935 - (449) 19 Utilities 112,270 136,148 133,225 - (2,923) 20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,068) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,069) 23 Federal O&M Services 886,746 886,745 - (1) 24 Grant Expenditures - - - - 0peration & Capital Grants 140,000 126,754 23,867 20,000 (82,887) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - - - (6) 27 Interest 50,226 51,320 51,313 - (7) <	16	Technology & Communication	336,770	315,353	306,114	2,030	(7,209)
19 Utilities 112,270 136,148 133,225 - (2,923) 20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,068) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,060) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures	17	Bank and other fees	22,500	31,948	30,831	-	(1,117)
20 Facility O&M 369,350 597,483 584,258 4,047 (9,178) 21 Division Expense 476,150 336,056 315,040 7,048 (13,068) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,069) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures 0 - - (1) - - (1) 24 Grant Expenditures 0 - - (1) - - (1) 24 Grant Expenditures 0 - - (1) - - (1) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 <	18	Ad Valorem Collection Fee	373,250	401,384	400,935	-	(449)
21 Division Expense 476,150 336,056 315,040 7,048 (13,968) 22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,969) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - (1) - (1) 24 Grant Expenditures - - (1) - (1) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083)	19	Utilities	112,270	136,148	133,225	-	(2,923)
22 Vehicle & Equipment O&M 1,355,240 1,428,961 1,346,948 44,044 (37,989) 23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - (1) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083)	20	Facility O&M	369,350	597,483	584,258	4,047	(9,178)
23 Federal O&M Services 886,746 886,746 886,745 - (1) 24 Grant Expenditures - - (1) 24 Grant Expenditures - - (1) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,089) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083) Excess (deficiency) of revenues less -	21	Division Expense	476,150	336,056	315,040	7,048	(13,968)
24 Grant Expenditures - Operation & Capital Grants 140,000 126,754 23,867 20,000 (82,887) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: - - - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083) Excess (deficiency) of revenues less - - - - -	22	Vehicle & Equipment O&M	1,355,240	1,428,961	1,346,948	44,044	(37,969)
Operation & Capital Grants 140,000 126,754 23,867 20,000 (82,887) 25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: (6) 27 Interest 50,226 51,320 51,313 (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083) Excess (deficiency) of revenues less	23	Federal O&M Services	886,746	886,746	886,745	-	(1)
25 Special Projects 236,500 172,530 118,176 51,144 (3,210) 26 Debt service: -	24 (Grant Expenditures					-
26 Debt service: 389,719 395,698 395,692 - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083)		Operation & Capital Grants	140,000	126,754	23,867	20,000	(82,887)
Principal retirement 389,719 395,698 395,692 - (6) 27 Interest 50,226 51,320 51,313 - (7) Capital outlay 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083)	25 \$	Special Projects	236,500	172,530	118,176	51,144	(3,210)
27 Interest Capital outlay 50,226 51,320 51,313 - (7) 29 Total expenditures 552,000 1,600,095 982,562 616,464 (1,069) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083)	26	Debt service:		-	-	-	
Capital outlay 552,000 1,600,095 982,562 616,464 (1,089) 29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083) Excess (deficiency) of revenues less		Principal retirement	389,719	395,698	395,692	-	(6)
29 Total expenditures 23,155,566 23,155,567 21,937,706 1,016,778 (201,083) Excess (deficiency) of revenues less	27	Interest	50,226	51,320	51,313	-	(7)
Excess (deficiency) of revenues less		Capital outlay	552,000	1,600,095	982,562	616,464	(1,069)
	29 1	Fotal expenditures	23,155,566	23,155,567	21,937,706	1,016,778	(201,083)
	1	Excess (deficiency) of revenues less					
			48,539	1,058,176	2,901,632	(1,016,778)	826,678

b. Consideration/Approval of Resolution #BA-07-13-20-81 Fiscal Year 2020 Fourth Quarter Unaudited Financial Report - Pamela Fanelli, Secretary/Treasurer

No questions or discussions occurred for the Resolution.

Madam Chair acknowledged Director Moore had joined the meeting.

Director Moore made the **MOTION TO APPROVE RESOLUTION #BA-07-13-81**, **FISCAL YEAR 2020 FOURTH QUARTER UNAUDITED FINANCIAL REPORT.** Director Kelly seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously**.

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

c. Discussion on FY21 Increase in Insurance Rates - Pamela Fanelli, Secretary/Treasurer

Ms. Fanelli reported the actual insurance premiums for fiscal year 21 are approximately \$122,000 higher than budgeted for fiscal year 21. The auto insurance policy increased by approximately \$52,000. General liability increased by about \$20,000. Excess liability increased by \$10,000. Workers' compensation increased by approximately \$34,000.

She then stated there are several reasons why we incurred the increases. In the auto policy, MRGCD added a significant number of vehicles this year, and that had an approximately \$10,000 to \$15,000 impact. The auto industry as a whole has started to increase premiums. They've left them artificially low for several years. As our budget increases, the general liability expense increases because it is, in part, related to the total expenditures.

Mike Hamman explained that the District dropped the uninsured motorists rider as it's an enhancement for the workman's comp that the District already provides and various things that covers our employees without uninsured motorist. In further discussions, he said it was found not necessary for the day-to-day operations of the District. Opting to drop the uninsured motorist policy rider keeps MRGCDs overall costs down and saves about \$24,000.

d. Report on First Initiatives - Pamela Fanelli, Secretary Treasurer

Ms. Fanelli stated it has been over two months since starting with the District and thanked the board in allowing her to learn the intricacies of the District and her position. She then reported on a few of the initiatives that the District is currently working on:

- Create an on-line payment system: This has been started, and they are trying to get this into production by July 20th. Wells Fargo is the third-party payment processor. Online payments with e-checks will be free of service charges. Credit cards and debit cards will be assessed a 1.9% service charge fee (Wells Fargo fee). Constituents will be able to pay for their water service charge and various types of licensing fees. The water bank fees will not be available for online payment until the licensing module is up and running.
- 2. Add Isleta Dam Settlement into liabilities: This has been completed.
- 3. Revamp the chart of accounts: This is in progress. They are working with a consultant to help flow through the system and to modify the current code. This should be complete by August 15th.
- Identifying and implementing possible replacement of the assessment software: having identified several potential products for replacement of the Triadic system. This is in progress.
- 5. Increase communication within the Finance Department: They have been having weekly meetings with the Finance Department and other departments. The teamwork is there, and Ms. Fanelli thinks they are all headed toward one goal.
- 6. Utilize a system for tracking grants: Munis has a good grant module. They will be trained on the capabilities of the grant system to utilize it more.

Madam Chair questioned a past contract for recommendations regarding this process. Mr. Casuga noted the contract was liquidated once Ms. Fanelli joined the District as she brought with her experience with software changes and applications.

Director Moore expressed her appreciation for Ms. Fanelli being proactive on many things she would like to implement.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Update on COVID-19 Response and Business Continuity Plan - Christine Nardi, Human Resources Director, and Mike Hamman, CE/CEO

Christine Nardi explained the current COVID-19 changes, both federal and state. The biggest change at the moment is that anyone coming into the state, whether a resident or a visitor, regardless of mode of transportation (car, train, plane), must self-quarantine for 14 days effective July 1, as per the Executive Order 2020-054 from the Governor.

Ms. Nardi reported the District has its first confirmed positive case of Coronavirus (by way of a family member living in their home). He is well and is not hospitalized. Three employees have been identified as needing to self-quarantine, and they came from the Albuquerque Division office. The division office is being sanitized. The Family's First Coronavirus Response Act has been institutionalized, which means that the individuals, while waiting diagnosis, will be paid up to 80 hours. There are nine employees in total that have either been approved for leave or waiting for approval.

Madam Chair Dunning asked if there was any policy regarding finding information on Facebook (i.e., whether an employee has been out of town). Ms. Nardi replied that there is no policy on Facebook and that the District does not monitor Facebook. She also went on to say that no one reported anything they have seen on Facebook to her.

Madam Chair Dunning also asked if the District could direct employees on where to get their testing done with some knowledge on which testing sites are getting results back quicker. Ms. Nardi responded that the system is overburdened right now as per Diane Good with the Department of Health, and results can take anywhere up to a couple of weeks. She knows of nowhere specific that may be running tests faster.

Mike Hamman added that the District is taking all of this seriously and following the protocols, as an outbreak within the Division could have significant consequences on our abilities to continue our mission.

Mr. Hamman also shared a few promotions from within. Jason Casuga's vacancy of the Engineering Manager, was filled by Alicia Lopez. Richard DeLoia was also promoted to the Chief Procurement Officer, with Jeanette Bustamante accepting a continuing part-time role through the end of the calendar year to assist Mr. DeLoia in his transition among other items she will complete.

At 4:12 pm, more or less, the MRGCD General Office's internet disconnected due to the weather causing the audio to cut out briefly.

b. Report on Water Supply Conditions and General Water Operations - David Gensler, Water Operations Division Manager

Mr. Gensler reported the hope for rains have not materialized, but apparently, the internet outage was probably a lightning strike. Temperatures in the valley have been extreme (he stated he saw 106° F downtown two hours ago, and probably hotter now) The river drops lower and lower every day. Natural flow on the Rio Chama is now less than 10cfs, about the flow of

one moderately sized farm turnout. On the mainstem of the Rio Grande there is 12cfs coming across the state line from Colorado. The Sangre de Christo tributaries have held up a little better, and we still have 180cfs at Embudo, but without rain in the mountains those streams are about to peter out. He noted this morning that the Rio Jemez is 3cfs at Jemez Springs. The trout are getting their backs sunburned.

Mr. Gensler stated our stored water is disappearing rapidly. In fact, it already disappeared, long ago. We operated last week on letter water NMISC arranged for us. This week, we are using the 10,000 AF we repaid to the ABCWUA last winter. The water utility graciously allowed us to take back that repayment in an effort to assist the farmers in this very challenging year. At present, that is all the stored water we have available to us, and he expects to use the last of it on Thursday this week.

Mr. Gensler then asked what happens then? His answer is, we have two possible paths. First, and best, is that we have approached the Rio Grande Compact Commission (RGCC) about using the so-called Rio Grande Compact (RGC) "reserve" in El Vado. This is about 36,000 AF of water that was stored this spring per the RGC Art VI requirement that "NM shall retain water in storage at all times to the extent of its accrued debit". If the RGCC should waive that requirement then we would use that water, managing carefully, with the intent to get to September 1 with somewhat normal operation for all users. Rain, should it occur, will have a big influence on how effective that is, and how much of that RGC reserve we will need to use. BIA will be computing daily P&P demand, to be satisfied with the Rio Grande still in storage at El Vado for that purpose.

The other path is that we will enter prior & paramount operations ("P&P ops") next week, probably Sunday. During the P&P operation we will divert the natural flow, plus the water released from the P&P reserve. This will be a much smaller volume of water than we currently see entering the valley, probably not much more than 200cfs. This water will be fully diverted at Angostura dam, for delivery to Santa Ana, Sandia, and Isleta Pueblos. Any water remaining downstream of Isleta Pueblo will be made available for non-Indian users. The amount will likely be small, and location will play a big role in who can use this water. Many, probably most, canals will simply be dry. There will be no delivery in Albuquerque's north valley, south valley, or Corrales. Irrigators immediately downstream of Isleta might see some water. It probably won't flow much south of Los Lunas though. Some areas will continue to see water in drains, but eventually even the drains will drop as groundwater levels adjust to the cessation of irrigation, and no rain. I expect this condition will persist until we get some rain, or to October 1, when there will be no more P&P reserve to release, and flows drop even farther. Of course, rain can and will change this scenario. At this point, any rain would make it better. A little will help some, and a lot will help, well, a lot!

Mr. Gensler said the implications for the river itself are dramatic. On either path, there will be much less water entering the valley, and hence less water in the river. He and Mr. Hamman have discussed at length ways to maximize water available for irrigators, while keeping as much of the river wet as possible. I think it is possible to do this if we have access to the RGC reserve. If we can't access the RGC reserve and are operating only for the P&P lands, then we will see significant drying in the Albuquerque reach, something which hasn't happened for nearly 40 years. Reclamation will be releasing a small quantity of "minnow water", and the ABCWUA will be releasing a small amount of San Juan Chama water for their Rainey collector, but this water will not be sufficient to overcome evap and riparian use, between Angostura and Isleta dams. Also, the present Reclamation "minnow water" is being used for the river below Isleta dam, and at MRGCD wasteway outfalls. He doesn't believe they have enough water to continue to deliver

for this purpose, so if drying happens in Albuquerque, it probably means the end of wet river in the Isleta reach, save for a small pool immediately below Isleta dam.

Mr. Gensler stated farmers in the valley are already feeling the stress. The heat has been such that we just can't get the water where we need it. Turnouts are opened sooner, for longer. It takes forever to push water across the dry ground. Water theft is occurring, particularly with Water Bank users. We document what we observe, but he suspects that there are many more who are not caught. He gave an example that he spoke with a farmer at 2 o'clock, who was watching his fields dry up and was laying off workers. He admitted he was desperate. He admitted to watering water bank. He was apologetic about it, but said, "well a guy has to do what he has to do". It is a very difficult situation for the valley.

Mr. Gensler reported as far as daily operations go, we have an official "demand" of 850cfs right now. We ran at 750cfs for a few weeks, but the high temperatures of the last five days have impacted the conveyance efficiency of the river, so we increased last Friday by 100cfs. One way or another, that will be reduced later this week, probably around 300 to 350cfs, if we go into P&P ops.

The ABCWUA is adding about 15cfs, and reclamation is adding 40cfs for the minnow, so in total there is a bit over 900cfs coming into the MRG valley. Diversions remain normal at Cochiti, 145cfs. Angostura is diverting 190cfs, more than usual, setting up to reduce use of the river next week. Isleta is diverting 420cfs.

Mr. Gensler said we have had trouble getting water to Socorro. San Acacia dam is checked and may divert, but there simply is not much water arriving there in the river. For the past 2 weeks we've had consistently less than 100cfs available for Socorro division, and they are suffering. The Neil Cupp pump station is essentially the only game in town now for the users at the end of the Socorro system. Bosque Del Apache (BDA) has had to begin using groundwater wells as our return flows have dried to practically zero. Reclamation ceased pumping for the minnow today at the south boundary of BDA as there was simply too little water in the LFCC to reliably supply their pump.

Madam Chair Dunning asked about the Water Authority and if they would not take releases and do wells. David Gensler explained that the Water Authority has a rainy collector, which is an infiltration gallery. Mr. Gensler explained it's about 12 feet in diameter and 60 feet deep. It's a giant well, and water seeps into it. They pump it out, and they call it their non-potable water supply. They use this water to irrigate old city properties around Albuquerque.

c. Report on the Request to the New Mexico Rio Grande Compact Commissioner to Request the Use of New Mexico's Article VI Water Currently Stored in El Vado Reservoir - David Gensler, Water Operations Division Manager, Mike Hamman, CE/CEO, and Dr. Charles DuMars, Chief Water Counsel

Mr. Hamman reported that MRGCD has made a request through the Interstate Stream Commission and the New Mexico Rio Grande Compact staff to look at the opportunity to utilize the 38,000-debit water stored at El Vado in a prescribed manner to help get the District through the month of August, theoretically, with some help from Mother Nature. The notion of making this request falls under the rules of Article VI of the Rio Grande Compact, where if there is unanimous consent by the three Commissioners (New Mexico, Colorado, and Texas), the water becomes available to operate for the primary purpose of continuing to keep the farmers' demands satisfied to best that we can and also keep extra water in the system to use for the Biological Opinion obligations. Such as, keeping areas wet and minimizing drying and providing Minutes of Middle Rio Grande Conservancy Board Meeting July 13, 2020 refugia the areas, pockets of freshwater for the retreats of the fish and as well as possible salvage and placement by the agency.

David Gensler reported that he and Mr. Hamman had a nice conversation with the Texas representative this morning. They made it very clear that we believe this has shaped up to be a very dire situation for New Mexico irrigators, and we see no other solution for us to be able to get people through this year. We didn't make the request lightly. We are already sitting on top of a 38,000-acre foot deficit for the Compact, and the way things are shaping up this year so far, we could expect to run another 60,000 plus debits on top of that. If we don't have this Compact water available to payback Texas with the end of this year or next year, we could potentially be sitting on debits in excess of 100,000-acre feet. One of the things they we talked about this morning with the Texas representative was if this happens, New Mexico will be in a bad way in terms of the Compact, and we will be pulling out all stops to be able to get some water down to Texas next year.

Mr. Gensler indicated with all the other things going on, with drought, the storage restrictions at El Vado, things are shaping up to be tough for the Valley for a couple of years going forward.

Madam Chair Dunning asked what the downsides are for Colorado, the State Engineer of New Mexico and Texas to deny this request. Mr. Gensler responded that there is not really a downside for Colorado. As far as Texas, Mr. Gensler does not see any real downside except for the potential lack of 40,000-acre feet of wet water next year for their irrigators or for EBID (the New Mexico irrigators down in southern New Mexico).

Madam Chair Dunning asked about La Nina or El Nino forecasts for next year. David Gensler responded that he has given up on forecasts.

Chuck DuMars added his thoughts. There is a reason why Article VI says that we must have enough water in storage upstream to take care of the potential of the deficit that's out there. That is insurance water for the people downstream when and if we run into a deeper deficit. That's the principle that they're working on. It would be a favor to us, and the precedent protects us of waiving the right to have that water up there and to have all the others waiving the right to require the storage of the insurance water. To offset the deficit is something that's precedent that they probably don't like and may not want to pursue. Dr. DuMars thinks it is the right thing to do now in this situation.

Another thing that concerns Dr. DuMars is that we have drawn a line between the two basins, and we've taken the position that this basin is completely independent and that there's nothing we can do or are obligated to do to help the people in Texas or in the lower basin (the New Mexico part of Texas). Yet, now we're looking at the potential of moving water down there, which would help our irrigators, but it would also help deliver more water to the lower basin. Dr. DuMars hopes that precedent does not come back at us.

Dr. DuMars said there is a third component, which is very real. We've all worked together as a team, the Bureau of Reclamation, Fish and Wildlife, and the City of Albuquerque (the Utility Authority) to come up with a method of protecting species in the river. If there is a chance of extirpation in a take, that that will certainly bring the Wild Earth Guardians to the forefront, and there could be some litigation in the future. Then the ability to avoid that litigation through release of this Compact water might be a very helpful thing for the State of New Mexico. One of the reasons why we are doing this is we are concerned not only about the irrigators, but this could also be helpful to the species. It would be one step toward avoiding extirpation or any of

the take that might eventually occur if we have continued drought and this continued dryness, basically from Albuquerque south of Isleta. It just would be a horrific thing to think about.

Dr. DuMars thinks the answer is it's a double edge sword. The answer is, yes, it must be the case that we should be able to, in an absolute drought like this, if cooperation from Texas, to release the water. On the other hand, that's not something that has been our position, that the lower and middle basin are separated, that we go on our own, and we don't make water available to the lower basin because we're not obligated to do it under the Compact. The delivery point is Elephant Butte, and that's the end of the story.

Dr. DuMars thinks it's a complicated calculus. We don't have any control. We've gotten great cooperation from the New Mexico representatives. Dr. DuMars' true hope is that we can work out something with those other two states that is non-precedential and that they realize the crisis we're in to allow us to move this water.

Paige Pegram, with the Interstate Stream Commission, joined in and updated that they do not have an answer yet from Texas or Colorado on the request to release the debit water. She reported that John D'Antonio, New Mexico's Compact Commissioner, is sending letters to the Compact Commissioners from Texas and Colorado, requesting a response by noon, Thursday, one way or the other.

Madam Chair asked Ms. Pegram if the Commission is required to hold a special meeting as it's a vote of the Compact Commission. In which Ms. Pegram directed her question to Chris Shaw, the attorney that represents New Mexico on the Compact. Mr. Shaw added that if there was official action of the Board through a Resolution in the past, a meeting was required. New Mexico has been struggling to get it passed without a special meeting, but it is required to be unanimous consent to the action. If there's a need for the special meeting, the Open Meeting Act requirements are different in the states. Texas had a 30-day notice requirement, which would kill the whole deal.

Madam Chair asked if this has happened in the past and if so, who did it benefit and how was it done. Dr. DuMars added that this is very rare. One of the reasons why it is very difficult, in a normal situation where you're not in litigation with the state, you can get together and coordinate. It's a friend to friend kind of transaction, and you commit to make it up and to withhold other water, the snowpack, the water in the future. There's a way to do it. Use San Juan-Chama, something. But here, we are in litigation where the state of Texas is suing New Mexico. Pat Gordon is a very strong advocate in that litigation, and the United States is caught in the middle. Our difficulty right now is that this is not a normal situation. Whatever happened in the past is not relevant here. We have to hope that there will be at least a commitment to realize the incredible straights that our irrigators and species are in and make it a point to try to concede some water to us.

d. Discussion and Review of Draft Revisions to the Water Distribution Policy - David Gensler, Water Operations Manager, and Dr. Charles DuMars, Chief Water Counsel

David Gensler reported that he and Dr. DuMars have been revising a few things on the District's water distribution policy. He then discussed item i. *Small Tract Irrigation*. The District has a fairly large number of very small parcels containing 0.25 acre or sometimes 0.10 acre. We have language now that sets a minimum water service charge. Basically, we have revised the policy to charge a flat rate for parcels of land under an acre and prorate anything over an acre. He went on to discuss item I. *Pumping from MRGCD Drains and Canals*. We have a large number of people who would like to take water from our system, and in some cases, actually to

take water from our system, using small pumps. We have recently become aware of how widespread this practice is in places in the valley. We think we should make it a legal process so that people can get on our books and be shown as water users and pay us a water service charge every year. There are four types of pumping: livestock watering, industrial construction water, small agricultural pumping, and pumping from drains.

Dr. DuMars added that the application for the permit is under review. The principle is that if people are taking water, if they're in the benefited area and they have the ability to pay for a pump, whether it's gas run, operated or electric and they are willing to do that and meter the water, the District will get good data as to how much people are taking and get some revenues for it.

Mr. Gensler also added language in Item p4. that states, "Fines may be assessed for violation of the water delivery policy, at the direction of the MRGCD Board of Directors." This could be a useful thing in the future.

Madam Chair Dunning asked Lorna Wiggins if, since this is a policy change, MRGCD must notify the public and have public comment. Mrs. Wiggins responded that when we change policies that she calls outward facing (in other words, they affect our constituency and third parties as opposed to an internal policy that affects employees), we have consistently provided that material at a Board meeting for discussion and consideration by the Board Members and whoever wishes to attend to provide public comment. At the next meeting of the Board, the Board takes an action.

Director Moore questioned if this is the final draft. Dr. DuMars recommended that they review the policy again, making sure it's readable and understandable; to run it by Lorna Wiggins. It will then come to the Board next meeting for approval.

Director Sandoval agrees that the policy should be reviewed once more before presenting to our General Counsel, Mrs. Wiggins, and continue the process to the board.

Director Russo Baca believes this is something that needs to be implemented and put in place. She thinks, if passed, it's a reasonable price for the use of our water. She likes the idea that the water can be tracked and feels it would make it equal to the individuals who have turnouts and are currently paying the water service charge. She added that it's important to inform and have fines. Lastly, to encourage individuals to sign up and follow the rules.

Madam Chair Dunning recommended that the Irrigation Committee meet between August and September to review the fine schedule, so that it can be reviewed at the September Board Meeting.

This discussion has contained the reports from the Irrigation Committee meetings (Item 8.b. below) from June 17th and July 2nd.

Director Moore made the **MOTION TO APPROVE REPORTS ON THE IRRIGATION/WATER BANK AND ILLEGAL IRRIGATORS COMMITTEE, JUNE 17, 2020, AND JULY 2,2020.** Director Kelly seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

Director Baca	Yes
Director Sandoval	Yes
Director Kelly	Yes
Madam Chairwoman	Yes

Vice Chair Baca	Absent
Director Moore	Yes
Director Russo Baca	Yes

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e. Approval of Multi-Agency Agreement Regarding the Atrisco Acequia Project -CE/CEO Mike Hamman and Director Baca

Mike Hamman reported that in the interim process of when this document was first presented, he and Director Baca had conversations with other entities and individuals, specifically representatives of the City of Albuquerque and the Water Utility Authority. Bernalillo County will take the lead in the procurement of a contractor and help lead the effort of the coordination and defining of the scope. The document is currently under legal review at the Bernalillo County. MRGCD has commitments from Bernalillo County, Water Utility Authority, and the City of Albuquerque to join in this effort. Director Baca thinks this agreement will bring us happiness in the midst of all the difficult news on the drought and the water availability and urged everyone's support.

Director Moore asked how much more after the planning, study, and design would be needed to complete this project. Madam Chair Dunning responded that it is unknown at this time because part of this planning process is going to be public participation and pending on a report. Director Baca responded that the method that they are proposing would be a true partnership. The Conservancy will have members on the planning committee, and it will have some voice in that. Director Baca is confident that with MRGCD's involvement, they are going to come up with something that benefits the District, educates the community about our acequia culture, and actually the importance of the MRGCD in the Valley, which is the intent.

Director Kelly made the **MOTION TO APPROVE THE MULTI-AGENCY AGREEMENT REGARDING THE ATRISCO ACEQUIA PROJECT (substantially as attached).** Director Baca seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

f. Discussion and Approval of Resolution #M-07-13-20-165, Committing MRGCD to Negotiating a Repayment Contract for the Repair/Replacement of El Vado Dam Faceplate and Spillway - Mike Hamman, CE/CEO

Mike Hamman reviewed the handout that was in the Board packet. The Resolution was drafted by Mr. Hamman in concert with the Bureau of Reclamation contracting staff. He gave a short background that brought us forward to where we're at today. The Bureau let a contract to begin the design and construction phasing plan for the first part of the construction plan. Now we're at a point where a commitment from the Board to move forward is required to develop the structure of the repayment contract which he thinks is a rigid process. The only addition that has not been discussed in the past is that Mr. Hamman requested that the Board name himself, Jason Casuga, and Director Kelly to serve as the MRGCD negotiating team.

Chuck DuMars added that this is a good resolution and that it should be approved.

Director Kelly made the **MOTION TO APPROVE RESOLUTION #M-07-13-20-165**, COMMITTING MRGCD TO NEGOTIATING A REPAYMENT CONTRACT FOR THE

REPAIR/REPLACEMENT OF EL VADO DAM FACEPLATE AND SPILLWAY. Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

Director Baca	Yes
Director Sandoval	Yes
Director Kelly	Yes
Madam Chairwoman	Yes

Vice Chair BacaAbsentDirector MooreYesDirector Russo BacaYes

g. Report on the Capital Outlay Process Following NM Legislature's Special Session - Mike Hamman, CE/CEO, and John Thompson, Lobbyist

Mr. Hamman and Mr. Thompson gave a brief update on the status of the capital outlay process and that our projects were still up in the air if they will be funded. There will be a second bond issue in December and that is when we will know which projects will receive funding this fiscal year.

Madam Chair Dunning asked if MRGCD could design the Whitfield Bridge in-house, if we know what the cost of the bridge is, and does the money come to MRGCD? Mike Hamman responded that MRGCD can use in-house for design but not for manufacturing. He believed the funds could be expended quickly, and the funds do come to MRGCD.

h. Staff Recommendations for the Selection of the MRGCD General Counsel and Approval of the Contract for Year One of a New Four-Year Agreement - Mike Hamman, CE/CEO

Mr. Hamman reported from the two proposals submitted, the staff recommended for the selection to be Wiggins, Williams, and Wiggins to serve as general counsel for the MRGCD for a four-year term.

Director Kelly made the MOTION TO ACCEPT THE SELECTION OF THE ADVISORY COMMITTEE RECOMMENDATION OF WIGGINS, WILLIAMS, AND WIGGINS FOR GENERAL COUNSEL AND AUTHORIZE MIKE HAMMAN TO NEGOTIATE AN AGREEMENT WITH THEM FOR THE BOARD'S CONSIDERATION. Director Moore seconded the motion. Rollcall vote was administered. The MOTION CARRIED unanimously.

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

i. Staff Recommendations for the Selection of the MRGCD Chief Water Counsel and Approval of the Contract for Year One of a New Four-Year Agreement - Mike Hamman, CE/CEO

Mr. Hamman reported that only one proposal was submitted and was highly responsive. The staff recommended to accept the selection of Law & Resource Planning Associates to serve as chief water counsel for the MRGCD for a four-year term.

Director Kelly made the **MOTION TO ACCEPT THE SELECTION OF THE ADVISORY COMMITTEE RECOMMENDATION OF LRPA FOR CHIEF WATER COUNSEL AND AUTHORIZE MIKE HAMMAN TO NEGOTIATE AN AGREEMENT WITH THEM FOR THE** **BOARD'S CONSIDERATION.** Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

Director Baca	Yes
Director Sandoval	Yes
Director Kelly	Yes
Madam Chairwoman	Yes

Vice Chair BacaAbsentDirector MooreYesDirector Russo BacaYes

<u>AGENDA ITEM NO. 8 – REPORT(S) FROM THE MRGCD ATTORNEY(S)</u> - Chief Water Counsel and/or General Counsel

No reports were given by either Counsel members.

AGENDA ITEM NO. 9 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on the Conservation Advisory Board, April 16 and May 21, 2020 - Director Moore

Director Moore reported that at both of the sessions, they talked about the partial season leasing program, the scope and the scale of how it should be run. She explained there will be a range from 5 to 50 acres, with no cap on maximum acreage at this time. They have decided to not concentrate on just the laterals. They had a call-in meeting in June; however, it was lightly attended.

Casey Ish added that they had three informational meetings (call-in) that very lightly attended, even though it was well advertised in the News Bulletin, using mailout letters and on our website. He stated more response with the mailout letters. For the pilot program, as of the call today, there's 22 acres enrolled currently that have been approved by Mike Hamman and sent back to the irrigators. His best guess was anywhere from 150 to 200 acres that we are expecting applications from the next week or so with a few more to come from that. He feels it's moving in the right direction.

Director Moore made the **MOTION TO APPROVE REPORTS ON THE CONSERVATION ADVISORY BOARD MEETINGS OF APRIL 16, 2020 AND MAY 21, 2020.** Director Baca seconded the motion. Rollcall vote was administered. The **MOTION CARRIED unanimously.**

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

b. Report on the Irrigation/Water Bank and Illegal Irrigators Committee, June 17 and July 2, 2020 - Directors Moore, Sandoval, and Russo Baca

Please see Item 7.d., as this item was combined with Item 7.d. Also, please see 7.d. for approval of the reports.

c. Report on Finance Committee Meeting, July 13, 2020 - Directors Moore, Kelly, and Baca

This item was moved up and included with Item 6.b., during the meeting; however, the topic summary is documented at this point for ease of reading.

Madam Chair asked Director Kelly to speak for the Finance Committee. Director Kelly listed the members of the board on this committee to be Director Moore, himself and Director Baca. They met the same day of the meeting to review the year-end budget numbers, budget to actual and then FY19 to FY20. He stated they found that the District is in good shape and very pleased; thanking Ms. Fanelli and her team's effort for completing it.

Directors Baca and Moore seconded Director Kelly's comments and commended the District's new CFO for a job well done.

AGENDA ITEM NO. 10 - EXECUTIVE SESSION

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

1. Threatened or Pending Litigation

Madam Chair Dunning explained how the Executive Session would work, wherein all members of the public would disconnect from the call (if they do not disconnect from the call, Jason Casuga will disconnect any lines other than Board Members). She then requested a motion to move into Executive Session.

Director Moore made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Director Sandoval seconded the motion. Rollcall vote was administered. The **MOTION CARRIED.**

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

Mr. Hamman stated that the original line will remain active; the public may have the option to hang up and call back or not. Mr. Casuga sent a new call in number to the Board Members and the Counsel for the executive session.

Chair Dunning adjourned the meeting at 5:47 pm.

Chair Dunning reconvened the meeting at 6:40 pm.

Director Baca made the **MOTION TO RETURN TO REGULAR SESSION.** Director Moore seconded the motion. Rollcall vote was administered. The **MOTION CARRIED.**

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

During Executive Session, updates were given on threatened or pending litigation, identified on the agenda. No decisions were made, nor any votes taken during Executive Session.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 6:41 pm.

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

ATTESTED:

Pamela Fanelli, CMA, CGFM Secretary/Treasurer Karen Dunning, Chair MRGCD Board of Directors