

**MINUTES OF THE
2,169th REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
NOVEMBER 9, 2020**

COVID-19 Response: For this meeting, a limited number of Board and staff members were physically in the conference room, socially distanced. All other attendees (whether legal counsel , guest speakers or constituents) attended via telephone.

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:04 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
Karen Dunning, Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice Chair	Present	Dr. Chuck DuMars	Chief Water Counsel
Barbara Baca, At-Large Director	Present	Lorna Wiggins	General Counsel
John Kelly, Director	Present	Jason Casuga	Chief Operations Officer
Valerie Moore, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
Michael T. Sandoval, Director	Present	David Gensler	Water Operations Manager
Stephanie Russo Baca, Director	Present	DeAnna Philips	GIS Tech/Board Liaison
		Christine Nardi	Human Resources Director
		Matt Martinez	License & Land Sales Supervisor

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

Deborah Williams, Bosque Del Apache National Wildlife	Viola Sanchez, BIA
Ellen Robb, Corrales Resident	Ernie Marquez, Automated Election Services
Jennifer Faler, BOR	Richard DeLoia, MRGCD Chief Procurement Officer

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

In honor of Veterans Day, Vice Chair Baca led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum and noted that the meeting was publicly noticed. Due to COVID-19, the meeting was held telephonically, Vice Chair and Directors Russo Baca and Moore and a limited number of staff joined the Chair at the MRGCD main office. Also present were Directors Baca, Kelly and Sandoval, legal counsel, other speakers and members of the public on the phone. Members of the public that called in were asked to identify themselves, their phone numbers, as well as note if they intended to address the Board under "Items from the Floor".

Since the meeting was held telephonically, all votes were taken by the Board occurred via rollcall vote.

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

Madam Chair Dunning asked the following changes occur to the agenda:

- Move Item 10.c., Report from the Personnel Committee, before Item 8.e.

- Move Item 10.d., Report from the Election Committee, to Item 8.c.
- Add Item 8.j., Set up an Urban Committee Meeting

Vice Chair Baca made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE-NOTED CHANGES**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

AGENDA ITEM NO. 3 – CONSENT AGENDA

- Consideration/Approval of Payment Ratification - November 9, 2020
- Consideration/Approval of October 2020 Invoice for Wiggins Williams & Wiggins
- Consideration/Approval of October Invoice for Law & Resource Planning Associates, PC
- Consideration/Approval of Minutes for Regular Board Meeting - October 12, 2020
- Memo on MRGCD Approved Licenses for October 2020 (For Informational Purposes Only)

No discussion or questions regarding the consent agenda.

Director Moore made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

AGENDA ITEM NO. 4 – DISCUSSION OF MEETING DURATION REGARDING 6:00 TIME - Madam Chair Dunning

In the past, the 6:00 time limit of the Board Meeting was set due to some of the Board Members having to drive a long distance back home. Discussion ensued regarding changing this time limit.

It was decided that the 6:00 time limit would be pushed back to 7:00 timeframe. If the Board Meeting is running at 7:00, a motion must be made to continue the Board Meeting past the 7:00 hour.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

Ellen Robb

Ms. Robb lives on Perea Road in Corrales adjacent to the Corrales Acequia. She and her neighbors are concerned about the increasing amount of unauthorized traffic on the ditch, particularly between West Ella Road and Target Road. It impacts the safety of the pedestrians, bicycles, and horseback riders who use the ditch. They are seeing quite a few ATVs, motorcycles, golf carts, commercial trucks, and cars driving on the ditch. Commercial trucks

use the area to turn around several times per day. Ms. Robb suggested educating the public to observe the policies and that signage could work in lieu of gates.

AGENDA ITEM NO. 6 – CONSIDERATION/APPROVAL OF RULE NO. 28 GATE REQUEST POLICY - Jason Casuga, COO, and Matt Martinez, License & Land Sales Supervisor

Jason Casuga reported that no additional changes have been made to the policy as presented to the Board. This policy was originally presented to the Board two months and then was placed on the website for public comment. Staff received one written comment, which was included in the Board packet for today's meeting, which was in favor of the policy going forward.

No other questions were noted by the Board Members; however, Director Kelly suggested that a footer be added to the documents for historical purposes that would be something to the effect of, "Approved by the Board on August 1, 2000, Amended the first time July 9, 2001, and Amended November 9, 2020."

MEMO

DATE: November 4, 2020
 TO: MRGCD Board of Directors
 THROUGH: Mike A. Hamman P.E., CE/CEO
 FROM: Jason M Casuga P.E., COO and Matt Martinez, Licensing and Land Sales Supervisor
 SUBJECT: Consideration/Approval of MRGCD Rule 28. Gate Request Policy



The purpose of this memo is to request consideration and approval of the revised Gate Request Policy and to provide an update regarding public review and comment. Attached to this memo is the revised Gate Request Policy for your consideration, the current Gate Request Policy for your reference, and public comments.

At the request of the Board of Directors, the MRGCD provided a draft of the updated policy for public review and comment for a minimum of 30 days. MRGCD staff took the following actions to provide adequate public notice:

- On September 25, 2020 a public notice was posted on MRGCD's website including a statement, draft of the revised gate policy, a list of frequently asked questions, and an email address policycomment@mrqcd.us was created for comments to be submitted.
- MRGCD extended the period for public comment until November 4, 2020.
- MRGCD Licensing and Lands staff exchanged many phone calls and emails from constituents inquiring about and requesting gate installations as well as with individuals requesting keys to existing gates. During these conversations staff encouraged and solicited public comment.
- To date, two (2) written comments have been received; one of which applies to the Bosque Access Policy which was explained to the individual who commented. Both comments are attached to this memo.

Attachments:

1. Revised Gate Request Policy
2. Current Gate Request Policy
3. Public Comments

Director Moore made the **MOTION TO APPROVE RULE NO. 28 GATE REQUEST POLICY, ADDING THE ABOVE SUGGESTED FOOTER TO THE POLICY.** Director Baca

seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

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

a. Bureau of Reclamation - Jennifer Faler, Area Manager

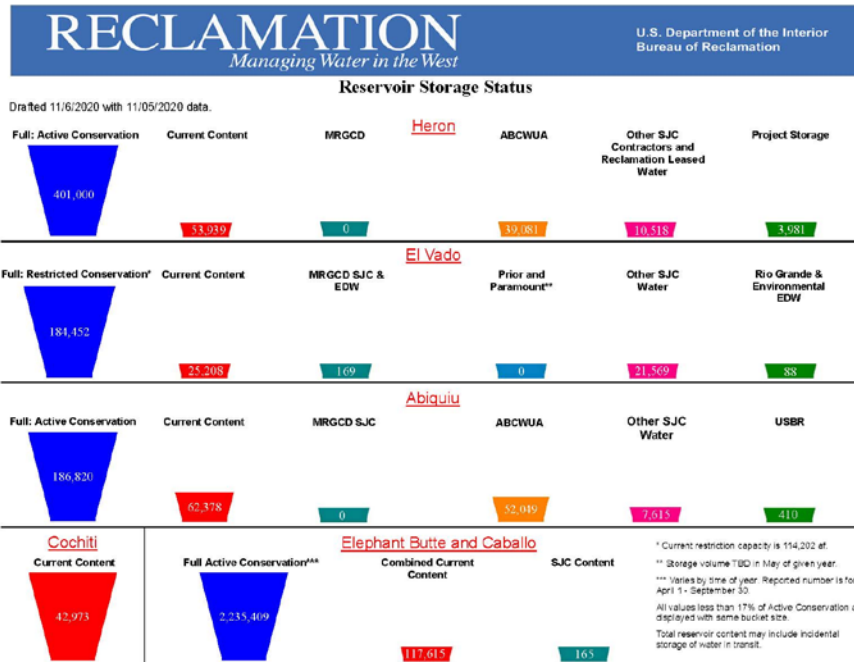
Ms. Faler reported that we are still navigating a challenging water year this year. Reclamation is focused on reliability of water supply, which has never been more important than right here in the middle Rio Grande.

The Board will be hearing about an operation to more efficiently route water down to Elephant Butte Reservoir. It is being seen as effective from the District's perspective; however, Ms. Faler wanted to provide Reclamation's perspective on that. BOR completely understands the need for "use every drop wisely." We are always looking for multiple purposes for the same water, because there is just not enough water to go around. We need to use it as wisely as we can. We also understand the need for the states to comply with the Compact that they have with each other (Colorado to New Mexico and New Mexico to Texas). United States and the Bureau of Reclamation is in the position of also having to deliver in scarce years and fulfill the commitments to the Republic of Mexico. BOR is completely on board with finding ways to be efficient using the water as efficiently as we can. However, the Bureau of Reclamation does not agree that routing water through MRGCD facilities into our low flow conveyance channel is a more efficient way to convey water at Elephant Butte Reservoir. We think that water should be going down the channel. BOR has a variety of concerns about the operation, including circumventing geomorphic processes. We have to be moving sediment. We had a realignment project that is reliant upon the water, cutting in the new channel and forming its new channel, which is not happening right now because of these operations and other impacts to the riverine environment by moving water outside of conveying it through the river channel.

She is glad that she got to hear the partnership with BDA and Mike Hamman's comments about that. She thanked MRGCD for their role. A big part of that reliability of water supply isn't necessarily our grant programs. It's building relationships so that we can work together and have that synergy that it needs, especially on the system like the Rio Grande, where the buck doesn't stop with anybody. We are all in a position to have to coordinate and communicate and build that trust so that we can navigate challenges, like we did very successfully this summer down at the Bosque Del Apache Refuge.

Ms. Faler reflected, looking out her window, seeing the storms coming through, she feels the Middle Rio Grande Valley is a special place, and takes a lot of coordination to maintain the agricultural community, the wildlife community, all the different uses of the Middle Rio Grande. BOR is here to help wherever they can and provide their expertise.

Madam Chair Dunning asked if BOR was operating under a continuing resolution. Jennifer Faler replied, yes, they are currently operating under a continuing resolution until December 11, 2020.



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

Viola Sanchez thanked David Gensler and the District for their help and cooperation in a successful irrigation season for the Pueblos in a very difficult drought year.

Ms. Sanchez reported the Pueblos agreed to a November 3rd shutoff date, earlier than their usual November 15th, with a March 15th start-up date spring 2021, later than the usual March 1st.

She stated that BIA is currently working on a new O&M contract for BIA and MRGCD. Payments in the current contract can be computed in two ways: one is a negotiated payment amount, and the other method generates a payment amount as a fraction of the District's income from ad valorem taxes and water service charges. It can go up as ad valorem taxes and water service charges go up. This creates a fairly steady or slowly increasing payment but can seem problematic if there are large projects that the District is paying for by dipping into savings. Theoretically, the District should have been saving some of the BIA payments over the years. The savings should have been funded in part by BIA, but it would take an in-depth accounting study to show if this is true. Another option is to base the payments on expenditures, which would be more difficult. Discussions are ongoing with Mike Hamman on payments and use of Dropbox. The Pueblos are also reviewing a draft. Coalition meeting scheduled on November 10th via telephone where the new contract will be discussed for which Mr. Hamman is invited.

Madam Chair Dunning asked Mike Hamman how it works when the Pueblos request a start date that is before the official start of the irrigation season. Mr. Hamman responded that it is a negotiation with MRGCD and the Pueblos. The Pueblos do traditional ceremonies for the start of the irrigation season and sometimes need a little bit of water running in the system. MRGCD typically accommodates those requests. Mr. Hamman added that typically there has not been a start for the pueblos before the full irrigation season, but in recent times, the irrigation season has been extended for them to October 31st.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Report on Cooperative Water Management Between the Bosque Del Apache National Wildlife Refuge, the MRGCD, and Bureau of Reclamation Toward Meeting Multiple Goals - Mike Hamman, CE/CEO, and Deborah Williams, BdA Refuge Manager

Mike Hamman wanted to give Board Members a chance to meet Deborah Williams, from Bosque Del Apache and to discuss the ongoing project that is a cooperative venture with the Bosque Del Apache and Bureau of Reclamation. It has an Endangered Species Act component to it. It has to do with the meadow jumping mouse requirements at the Bosque Del Apache. Mr. Hamman continued with some history behind the venture.

Deborah Williams, the BdA Refuge Manager, introduced herself and provided her professional background history. She is excited to work at the Bosque Del Apache National Wildlife Refuge and is thankful for Mike Hamman and his team, as well as Jennifer Faler from the Bureau of Reclamation bringing her up to speed on the challenges that New Mexico faces. She has her people looking at the infrastructure of the refuge and digging into details of how to make Bosque Del Apache more drought resilient and how to improve its efficacy and efficiency with the water they have.

Discussion ensued regarding the ongoing issues the farmers have with the elk up and down the valley; and the power consumption from the Neil Cupp Pumping Plant for which Ms. Williams stated they would share the cost with the District.

b. End of Season Water Report - David Gensler, Water Operations Division Manager

Mr. Gensler reported that the season is essentially all wrapped up. Pueblo deliveries ended last week. There has been a little possibility that we might have to deliver some water to the enterprise over Isleta on the west side, off the (Belen) Highline this weekend.

The river has risen a little bit naturally in response to that snowstorm the last week in October. We did not see much runoff from that storm, but the cooler temperatures reduced evaporation and riparian ET. It pretty much ended any remaining water use above Cochiti. We saw some little spikes and flow at Otowi. So far, Otowi had been hovering right around 250 CFS, with about 180 CFS making it to the Middle Valley below Cochiti. Now, Otowi is around 370 CFS, and we have about 350 CFS below Cochiti Dam. That is still very low flow for November. Flow entering New Mexico on the mainstem at of Lobatos Gauge remains a mere 65 CFS. Over on the Chama, flows at La Puente were less than 50 CFS last week. They spiked up briefly Saturday to over 100 CFS in response to some weather, but they are on their way back down again. So, the basin continues to be extraordinarily dry.

The river looks healthier at Albuquerque now. We have around 300 CFS at Central Avenue. The river has rewet through the Isleta Reach and a big part of the San Acacia Reach. We have managing the rewetting, allowing it to happen slowly. We do have the San Acacia Reach now wet down to the Bosque Del Apache area. It has not reached San Marcial. We made another increase to the bypass at San Acacia today, and I expect we will have water at San Marcial.

As Jennifer Faler mentioned, one thing that we have been doing this fall is we have left some quantities of water running at Isleta Dam, routing that water down the highline, down our drain system, into the Socorro Main (Canal), and from there wasting off into the low flow. That worked pretty nicely in October, getting some water down to San Marcial in the low flow

conveyance channel when that whole system was desiccated down south out there in the floodway. We do not intend to continue this indefinitely. We have been rewetting the river a little bit every couple of days, and we are almost to the place now where it is connected all the way down through the system. So, as the weather grows colder and flows rise, we will soon have all the flows shifted back to the river again.

No word yet on Rio Grande Compact deliveries. Original estimates of in the 85,000 to 100,000-acre feet at the end of the year seem to be holding true. Last week 95,000 was the estimate from ISC. We did not deliver much in October, probably only approximately 6,000-acre feet. Considering that natural flow at Otowi was almost nonexistent, we did not owe much for the month either. So, at least our debt probably did not get any worse last month.

Madam Chair Dunning asked if the Bureau of Reclamation has some concerns about how MRGCD is managing flows, how do those concerns get resolved? Who has ultimate authority? Mike Hamman responded that it is not necessarily an authority issue more than it is we have to look at the balancing effects, like we do every operational year. It is important to keep New Mexico out of as much debt as possible. Mr. Hamman explained other balancing points. It is the more we learn, the more we can do a better job. Reclamation is not necessarily directing any particular approach, but they certainly made their opinion known that they believe it's probably better to push it in the river as soon as possible. There really is not hard and fast authority; we just work together to make it work. Dr. DuMars added that Mike Hamman and Jennifer Faler worded it appropriately. In his view, there is a balance required, and the Rio Grande Compact and Endangered Species Act are federal laws.

Director Moore asked for clarification that the reason we are running water down the highline and then into Unit 7 is so that we are not running the river dry, so that we can get that water down for the Compact. David Gensler responded that is correct. That whole system down there was completely dry, really from about 10 or 11 miles below San Acacia. We have just been allowing it to wet up gradually and keeping some of that water going through our canal system and dropping it into the low flow. Until about ten days ago, there was so little water coming out of Cochiti that what we actually had arriving down there was not sufficient to wet up that channel. It is really just started to become enough water now that the increases that happened out at Cochiti seven to ten days ago are starting to arrive down there. We are seeing more water arriving at San Acacia than what we had to work with. We are starting to pass more and more, and we will get that system rewet. In terms of the amount of water we have been dealing with, it probably was not possible to rewet the river down there. Only now, do we have enough water to really start letting it go down the channel. Even once it becomes connected, it is still just going to be a trickle down there in the sand. This is not a lot of water.

c. Consideration/Approval of 2021 Election Director & MRGCD Election Officer and List Compiler - Mike Hamman, CE/CEO

Director Kelly, the Election Committee Chair, reported that the committee is comprised of himself, Director Baca, and Director Russo Baca, as their positions are not up for reelection. They reviewed the proposal with the Election Director, Ernie Marquez, and what must be done to declare the election director and list compiler. Three things have come up that are more general policy issues:

- The committee recommends the status quo with the numbers and locations of the early and day-of election polling sites in the three counties, which are set as four locations in Socorro County, ten in Bernalillo County, and seven in Sandoval County with a location on each of the pueblos.

- The committee recommends approval of the contract with Automated Election Services, knowing that COVID-19 response with regard to PPE and election procedures on the day of election will need to be visited beginning in April.
- Currently, Bernalillo and Sandoval Counties have set policy to mail out applications for ballots to all electors. Socorro County has set policy to mail out applications for ballots upon request. The committee has asked Ernie Marquez and Mike Hamman to gather the facts and figures to discuss this new wrinkle in NM elections at the December Board Meeting.

The Committee recommends the following offices for the election:

- Election Director - Ernie Marquez, Automated Election Services
- Election Officer - DeAnna Philips, MRGCD Board Liaison
- List Compiler - Doug Strech, MRGCD's System and Data Integration Manager

Madam Chair Dunning noted that in the past the Board had discussed removing some of the low turnout polling locations due to the cost. Mr. Marquez reminded her that during the last election, the low turnout places were removed. The only low turnout polling places remaining are the pueblos, and those polling places must remain in place due to them being minority locations.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE ELECTION COMMITTEE MEETING, NOVEMBER 9, 2020.** Director Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

Director Baca made the **MOTION TO APPROVE THE 2021 ELECTION DIRECTOR, MRGCD ELECTION OFFICER, AND LIST COMPILER.** Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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



Memorandum

TO: MRGCD Board Chair Dunning and Board of Directors
FROM: Mike Hamman, MRGCD CE/CEO
DATE: NOVEMBER 9, 2020
RE: Ratification of Officials for the 2021 Middle Rio Grande Conservancy District Board of Directors Election

Submitted for your consideration and approval are the following individuals to be ratified for the 2021 Middle Rio Grande Conservancy District Board of Director's Election to be held June 8, 2021:

ELECTION DIRECTOR: Ernie Marquez, Automated Election Services
LIST COMPILER: Doug Strech, MRGCD Systems and Data Integration Manager
ELECTION OFFICER: DeAnna Philips, MRGCD Board Liaison

d. Consideration/Approval of Professional Services Agreement for Automated Election Services for the Administration of the 2021 Election Management and Turnkey Services - Mike Hamman, CE/CEO

The Election Committee recommended approval of Automated Election Services. Mike Hamman noted that DeAnna Philips is working on making changes to the agreement to note the term of the contract is November 9, 2020, to November 8, 2021. A short phrase will also be added to the contract addressing the responsibility of the polling places to provide PPE and other COVID-19 related expenses, per the Governor's Order at that time. The Board will address this at the April Board Meeting.

Vice Chair Baca made the **MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT FOR AUTOMATED ELECTION SERVICES FOR THE ADMINISTRATION OF THE 2021 ELECTION MANAGEMENT AND TURNKEY SERVICES.** Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

e. Consideration/Approval of Application of Social Media Policy Resolution M-11-09-20-167 - Christine Nardi, Human Resources Director

The Personnel Committee (members include Madam Chair Dunning and Directors Kelly and Russo Baca) Report was given at the beginning of this item by Madam Chair Dunning. The topics at their last meeting included:

- A recommendation for approval of the social media policy

- Discussion of retiree health benefits (they have exceeded 5% of the cost of personnel). Discussions are still occurring on recommendations to control the cost. A recommendation will be brought to the Board at either the December or January Board Meeting.
- Discussion of shuffling around personnel and doing things a little differently due to the drought. A recommendation will be brought to the Board at either the December or January meeting.

Christine Nardi reported that with the rapid growth and application of social media, it is prudent for MRGCD to have in place a policy that ensures employees who use social media in a personal capacity have some guidance as to what MRGCD's expectations of their behavior and communications are online. This policy spells out what is and is not appropriate to employees to post about MRGCD. Ms. Nardi confirmed that this policy is the current state of the practice at this particular point of time, notwithstanding social media platform changes. The initial draft was reviewed and revised by Lorna Wiggins, and a finalized draft of the social media policy was brought before the Personnel Committee of the Board on October 30th.

Once this policy is approved, it will be incorporated into the current MRGCD Personnel Policies and Procedures Manual. Ms. Nardi and her staff will have virtual meetings with the divisions and explain the new policy to current employees. The employees will then be asked to sign an acknowledgement form. The acknowledgement form will also be incorporated in the new hire orientation packet for new employees.

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT
REGARDING APPLICATION OF SOCIAL MEDIA POLICY

M-11-09-20-167

WHEREAS, Board of Directors determines that it is in the best interest of the Middle Rio Grande Conservancy District to provide a Social Media Policy that applies to the employees of the MRGCD, and not the MRGCD Board of Directors and its officers and that provides guidance to employees on the proper use of social media, sets expectations for appropriate behavior and ensures that an employee's posts will not expose MRGCD to legal problems or public embarrassment;

NOW, THEREFORE, BE IT RESOLVED, that the attached MRGCD Social Media Policy applies to the employees of the MRGCD and not the MRGCD Board of Directors and its officers which will be incorporated into the MRGCD Personnel Policies and Procedures Manual and will be reviewed as needed based on contemporaneous case law or legal findings as determined by staff and by the Personnel Committee of the Board.

DATED AND RESOLVED this 9th day of November 2020.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Chairwoman

ATTEST:

Pamela Fanelli, CMA, CGFM
CFO/Secretary-Treasurer

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE PERSONNEL COMMITTEE MEETING, OCTOBER 30, 2020**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

Director Kelly made the **MOTION TO APPROVE THE APPLICATION OF SOCIAL MEDIA POLICY RESOLUTION M-11-09-20-167**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

f. Report on the 2020-2021 Elk Hunt Landowner Permit Allocation and Employee Drawing, November 9, 2020 - Mike Hamman, CE/CEO

Mike Hamman reported that we have arrived at an approved elk hunt for 2020-2021. The season will start the third Saturday in November, and it include a five-day hunt every other week through the end of February (eight hunts). We have reserved one permit per hunt to allocate to a staff draw, and we have also allocated 56 additional permits to landowner allocations, based on essentially an acreage total. We have almost three times the amount of acreage participating this time. It includes essentially the Railroad bridge in Belen, all the way down nearing Bosque Del Apache. This is a little broader area, a little bit more land that the hunters can spread out in. We are sharing on a 60/60 basis the number of permits available with the State, who will allocate their share through the deprivation process, where they will call people that were not in the draw but had checked the box to participate in deprivation hunt.

We are currently in the process of mailing out the tags, maps, and letters informing each of the hunters of the rules and policies for this season. Only primitive weapons may be used for the hunt, which includes, muzzleloader, bow and arrow, shotgun slugs, and crossbows.

Director Baca asked Mr. Hamman if he had an estimated number of elk that are currently existing in the hunt zone. Mr. Hamman had the number at one time but will reach out to the NM Department of Game and Fish. There are three large herds of elk that reside in the hunt zone, which have proven to be a particular problem for farmers, as they are nocturnal and feed on the crops in the nighttime and are extremely destructive to property.

g. Approval of General Office Emergency Restroom Remodel - Jason Casuga, COO, and Pam Fanelli, Secretary-Treasurer

Two older bathrooms (with joined plumbing) at the MRGCD General Office have major leakage and in need of repair. Director Kelly wanted to add \$25,000 to the contractors estimate in case they run into any unforeseen site conditions.

MEMO

DATE: 11/5/2020
 TO: MRGCD Board of Directors
 THROUGH: Mike A. Hamman, CE/CEO
 FROM: Jason Casuga, COO, Pam Fanelli, CFO, Richard DeLoia, CPO
SUBJECT: Emergency Restrooms Demo & Remodel

PURPOSE:

The purpose of this memo is to request consideration and approval to authorize emergency funding to award a contract to SDV Construction (via CES) for the repairs of the sewer lines and to remodel both of these bathrooms that will include removal of all fixtures, including the showers, and replacing everything with modern water saving fixtures excluding the showers as there is no interest or sufficient space to keep them.

Need:

Over the period of about three months, staff has been experiencing problems with the older two bathrooms on the southwest end of the building. Following a report of water backing up in the men's and woman's bathroom, a video inspection of the line revealed a break in the sewer service line underneath the building. Odors became more frequent and pronounced. Due to these conditions, these bathrooms are no longer in use, but the odors persist raising concerns about air quality in that part of the building.

Budget:

The construction proposal from SDV is \$114,049.00. This includes new pipes, fittings, valves, etc. behind the walls and under the floors, replacing all walls and floors, eliminating the showers and new eco-friendly toilets and faucets.

Funds for this project will come from the discretionary budget.

Recommendation:

Staff is recommending award to SDV and a project budget approval of \$135,000.00. Additional funds will be used to cover any unforeseen cost (if any) identified after demo of the bathrooms is complete.

MRGCD Restrooms Remodel Memo

Director Kelly made the **MOTION TO APPROVE THE GENERAL OFFICE EMERGENCY RESTROOM REMODEL, PROCEEDING AS FAST AS WE CAN, NOT TO EXCEED \$160,000.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

h. Schedule Finance Committee Meeting - Mike Hamman, CE/CEO, and Pam Fanelli, Secretary-Treasurer

Pamela Fanelli would like to schedule a Finance Committee meeting to go over the potential costs for a potential reorganization, to look at the budget, and discuss the progress of the budget at that point in time.

Discussion ensued amongst the Finance Committee, which includes Directors Kelly, Moore, and Baca. A telephonic meeting was scheduled for November 30th at 10 a.m.

Discussion ensued regarding scheduling a Personnel Committee meeting, which includes Madam Chair Dunning, Director Kelly, Director Russo Baca, and Lorna Wiggins. A meeting was scheduled for Monday, December 7th at 10 a.m.

i. Notice of the 81st Annual Rio Grande Compact Commission (Colorado, Texas, New Mexico) Meeting, November 12, 2020 - Mike Hamman, CE/CEO

Mike Hamman announced a webinar for the Rio Grande Compact meeting on Thursday, November 12th, at 10 a.m. This is the delayed meeting from last year to complete the accounting from last year. He requested names of interested Board Members who would like to attend to the Interstate Stream Commission and will send a registration link to individually register; the ISC will send you sign-in information.

Madam Chair Dunning, Director Moore, Director Baca, and Director Russo Baca expressed their interest in attending. Lorna Wiggins noted that this is not considered a quorum since it's an informational opportunity and not decision making.

**RIO GRANDE COMPACT COMMISSION
COLORADO TEXAS NEW MEXICO**

Notice of Annual Meeting

The Eighty-first annual meeting (104th meeting) of the Rio Grande Compact Commission will be held on Thursday, November 12, 2020.

The meeting will begin at 10:00 A.M. MDT

In response to the Coronavirus disease (COVID-19) Public Health Emergency, this meeting will be held via Webinar.

Specific information on how to view the Webinar will be posted prior to November 12 at

https://www.ose.state.nm.us/Compacts/RioGrande/fisc_RioGrande.php

If you have any questions regarding the Rio Grande Compact Commission video meeting, please contact Page Pegram at (505) 383-4051 or Linda Tenorio at (505) 383-4058 or by email – page.pegram@state.nm.us or linda.tenorio@state.nm.us

PLEASE NOTE: This notice has limited distribution. Please see that this notice is circulated to appropriate members of your entity.

j. Set up an Urban Committee Meeting - Mike Hamman, CE/CEO

Discussion ensued regarding scheduling the District Urban Issues Committee meeting, which includes Vice Chair Baca, At Large Director Baca, and Director Russo Baca. A meeting was scheduled for Friday, December 11th, at 2 p.m.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel

Dr. Chuck DuMars noted that about a year ago, Mike and he met with the State Engineer's Office and the local Albuquerque office. It was decided that we would collaborate together to provide proof of beneficial use based upon our assumptions as to how much we are actually using. We committed to attempt to figure out total volumes. We had to go back and file extensions of time retroactively and currently. That particular action was not advertised in the paper. The Wild Earth Guardians requested a hearing of the State Engineer, and it was brought before the Hearing Officer. The Hearing Officer's decision was sent out, and it did not address conflicts between the Conservancy Act or the State Engineer. Rather, just adjusts the authority of the State Engineer to issue retroactive extensions of time and the public interest. The Hearing Officer today ruled against the Wild Earth Guardians and for MRGCD. We can hopefully move forward in that process. Mike Hamman added that we are working with the State Engineer's Office to put our records together in a global kind of District water right perspective and continue to pursue the licensing.

Chuck DuMars noted a second issue that has come up. He was notified of a bizarre case wherein two individuals are fighting over access to a ditch. Their complaint refers to "community ditch." However, it's been MRGCD's position that the purpose of the Conservancy District was to consolidate all ditches together and to only have four points of diversion. The other existing ditches, community ditches, whatever they were referred to, are no longer relevant. Dr. DuMars will write a letter to both parties letting them know MRGCD's position that the ditch is not a community ditch and request removal of that allegation from the complaint. If they do not strike the allegation from the complaint, MRGCD will probably have to intervene in the case.

Director Kelly added that if another case comes up where the District does have a longstanding right of way interest in the facility, that we would even consider assisting with a quiet title action to turn it into a fee simple MRGCD-owned ditch and eliminate any questions about it in the future. He thinks the larger issue up and down the valley is what will happen when that last quarter acre goes away. Dr. DuMars agreed.

NOTE: Director Sandoval excused himself from the meeting due to family matters.

Lorna Wiggins updated the Board on two existing cases. The first is the Romero case, which includes the Mechenbier defendants. Judge James Sanchez has decided that MRGCD may present expert testimony through its expert, Craig Hoover, which is very good news for us and a clarification we very much appreciate from the court. Judge Sanchez has denied all of the parties' Summary Judgment Motions. Unless the case is settled, it will proceed to trial, which is currently scheduled for April 19, 2021.

That is coincidentally the same trial date that has been blocked for the Horton case, which we are also defending. That is another flood event in Belen that has occurred in a different area from the Mechenbier/Romero case location. If one of the cases should resolve, the second case just moves up the list on the trailing docket. That is a technique that sometimes district court judges use to encourage parties to seriously consider a resolution. Ms. Wiggins expects the cases to be tried.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on the Conservation Advisory Meeting, October 15, 2020 - Director Moore

Director Moore announced that Todd Caplan, a new employee for the Upton Center, and Adriana Villar, the new Director for CESOSS, were introduced on the teleconference. They discussed the Rocky Mountain Youth Conservation Corps, which is a small grant from the

Bureau of Reclamation. It was reported at the meeting that they will be working on acequias, outfall work, and maybe some small farm improvements. The Partial Leasing program was over on October 31st (or when the water was shutoff). A very detailed survey was sent out via email. They will send back a gift card for any completed surveys listing ideas on improvements.

Director Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE CONSERVATION ADVISORY MEETING, OCTOBER 15, 2020**. Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

b. Report on the 65th Annual NM Water Conference, October 26, 2020 - Director Russo Baca

Director Russo Baca reported that this was a great conference, which was held online and was four days. It was hosted by the Water Resources Research Institute. Topics included:

- First day was a video tour of the San Juan-Chama headwaters. Director Russo Baca felt this might be something MRGCD could use in explaining to farmers what the system looks like and how the water comes down through the system.
- Second day was on water policy changes in New Mexico, as well as the changing for water data, which included some discussion on the quantity of water MRGCD is actually using?
- Thursday, Michael Connor, the keynote speaker, highlighted the great work that MRGCD is doing, specifically our conservation programs, efficiency programs, potential of additional funding, and that MRGCD works to ensure that even in a dry year, the District will work to conserve water while serving the farmers. He also mentioned the title transfer issue.
- Director Russo Baca gave a presentation on the NM Universities Produced Water Synthesis Project.
- Watershed restoration in New Mexico, including some of the projects that the Elephant Butte Irrigation District is working on.

She reported that the slides from the conference are not yet available, but when they are, they will be available on YouTube.

Director Baca made the **MOTION TO APPROVE THE REPORT ON THE 65TH ANNUAL NM WATER CONFERENCE, OCTOBER 26, 2020**. Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

c. Report on the Personnel Committee Meeting, October 30, 2020 - Madam Chair Dunning, Directors Kelly and Russo Baca

This report and approval of the report will be handled during Item 8.e.

d. Report on the Election Committee Meeting, November 9, 2020 - Directors Kelly, Baca, and Russo Baca

This report and approval of the report was handled during Item 8.c.

With no further comments, questions or concerns, Madam Chair Dunning wished everyone a Happy Thanksgiving and adjourned the meeting at 5:15 p.m.

Approved to be the correct Minutes of the Board of Directors of November 9, 2020.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Karen Dunning, Madam Chair
MRGCD Board of Directors