

**MINUTES OF THE
REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
JANUARY 14, 2019**

Directors having been duly notified, Chairman Duggins called the regular meeting to order at 3:00 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS			STAFF	
Glen Duggins	Chairman		Mike Hamman	Chief Engineer/CEO
Derrick J. Lente	Vice-Chair	Absent	Dr. DuMars	Chief Water Counsel
Joaquín Baca	Director		Bruce Wiggins	General Counsel
Karen Dunning	Director		Lorna Wiggins	General Counsel
John Kelly	Director		David M. Fergeson	Secretary-Treasurer
Beverly Romero	Director		Jeanette Bustamante	Administrative Officer/CPO
Valerie Moore	Director		David Gensler	Water Operations Manager
			Becky Burnham	Budget Analyst
			Estella Gamboa	Assessment/Collection Clerk II
			Ricardo Varela,	Warehouse Specialist
			Alicia Lopez	Engineer I
			Jessica Regensberg	MRGCD
			Yasmeen Najmi	Planner/RRA
			Willie West	Assistant Division Manager

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

Michael T. Sandoval, Pueblo of San Felipe	Richard Barish, Sierra Club
Cecilia Rosacker, RGALT	
Jennifer Faler, USBR	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Ricardo Varela, MRGCD Warehouse Specialist, led the Pledge of Allegiance. Mr. Varela controls the entire district inventory for the divisions, and IT printer cartridges.

Chairman Duggins welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE MEETING AGENDA

Since John Thompson must travel to Santa Fe, the Board wished to move Item 7.h. to right after Approval of the Meeting Agenda.

Director Dunning made the **MOTION TO APPROVE THE MEETING AGENDA WITH THE ABOVE CHANGES NOTED**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL OF MRGCD PAYMENT RATIFICATION AND ATTORNEY INVOICES

a. Consideration/Approval of Payment Ratification for January 14, 2019

No discussion or comments ensued for the payment ratification of January 14, 2019.

Director Kelly made the **MOTION TO APPROVE THE MRGCD PAYMENT RATIFICATION FOR JANUARY 14, 2019**. Director Moore seconded the motion. The **MOTION CARRIED**.

b. Consideration/Approval of December 2018 Invoice for Wiggins, Williams & Wiggins

No discussion or comments ensued for the December 2018 Invoice for Wiggins, Williams & Wiggins.

Director Dunning made the **MOTION TO APPROVE THE DECEMBER 2018 INVOICE FOR WIGGINS, WILLIAMS & WILLIAMS**. Director Romero seconded the motion. The **MOTION CARRIED**.

AGENDA ITEM NO. 4 – APPROVAL OF MRGCD MEETING MINUTES

a. Consideration/Approval of Minutes for Regular Board Meeting - December 10, 2018

Director Dunning noted that on the minutes, Emily Homan is shown as representing the Nature Conservancy; however, she is with the Chama Peak Land Alliance. Also, line 184 refers to "two issues;" however, only one issue was noted. She would like those two changes made.

Director Dunning made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE REGULAR BOARD MEETING, DECEMBER 10, 2018 (with the above-noted changes)**. Director Moore seconded the motion. The **MOTION CARRIED**.

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

Richard Barish

Regarding the pilot goat vegetation management initiative, Mr. Barish is concerned that the goats' diet will not only be limited to undesirable vegetation. He is hoping that the Board will take into consideration the fact the goats can do some very environmentally-negative things to the Bosque.

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

a. U.S. Bureau of Reclamation – Ms. Jennifer Faler, Area Manager

Ms. Faler reported that the Bureau of Reclamation received their funding in October, so they are not affected by the government shutdown.

Today, Heron Reservoir is at 56,000 acre-feet in storage, with 1,500 being eligible for project storage (water not allocated). January allocation for San Juan project is zero. There is not enough water to allocate with 1,500 acre-feet, but snow is accumulating. El Vado has 1,400 acre-feet in storage, which is all spoken for.

Regarding title transfer, they are getting close to a Memorandum of Agreement. The next step is laying out financial goals. They are meeting with the pueblos this week, as they are

concerned of the effects of the title transfer. Ms. Faler reported that they would not be doing anything that affects the pueblos.

At the last board meeting, Director Lente had asked Ms. Faler why the Bureau of Reclamation was buying water for fish and not the farmers. She wanted to come back with an answer at today's meeting, which is that the Bureau of Reclamation has specific authorizations on things they can and can't do. While they are authorized to build projects for irrigation districts and work in partnership, that does not mean they can buy water for farmers. They are able to buy water for fish because of the Endangered Species Act and the authorizations that are contained in it. Mike Hamman supplemented by reporting that there was a three-party operational agreement between the District, BOR, and Water Authority, which included them to manage and operate the system in a way that minimizes impacts to both the farmers and the fish in the Albuquerque Reach, where the focus was to assist the District in meeting irrigation demands and pass residual federal water at Isleta Diversion Dam to maintain the wetted riverine area.

Director Duggins asked if the title transfer was an internal process or if it takes an act of Congress to approve. Ms. Faler responded that in a "normal" title transfer (where you get the dam); it would take an act of Congress. She doesn't believe it would take an act of Congress to release their interests in rights of ways and miles of pipeline. However, she is told it does take an act of Congress. So, they are still thinking it will need legislation. Ms. Faler is thinking the timeline is two years.

Director Kelly asked about the Congresso on February 23rd, where the topic will be the El Vado Dam Project. The Congresso will be held at the Ghost Ranch. Jennifer Faler responded that they are now preparing a presentation, which they will get a copy to the District. Director Kelly will be attending the conference.

b. U.S. Bureau of Indian Affairs – Ms. Viola Sanchez, Designated Engineer

Ms. Sanchez was not in attendance of today's meeting.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER - Mike Hamman, CE/CEO

NEW BUSINESS

a. Bid Award - Jeanette Bustamante, Administrative Officer, CPO

1. Fresno Slide Gates

No discussion or comments ensued on the Fresno slide gates.

Director Kelly made the **MOTION TO APPROVE THE FRESNO VALVES AND CASTINGS SLIDE GATES**. Director Romero seconded the motion. The **MOTION CARRIED**.

b. Consideration/Approval of 2019 Open Meetings Act Resolution, BD-01-14-19-38.13 - Mike Hamman, CE/CEO

In 2019, two holidays fall on board meeting days. Mike Hamman opened up by questioning if the Board would like to address those dates now or in the future (as we get closer to the holiday/meeting).

Director Dunning asked for clarification on violations of the Open Meetings Act by a quorum (four board members in one place at the same time) being together to conduct business at any given time. Lorna Wiggins responded that as long as a notice is given in advance with the date, time, and place of the meeting, the Board is adhering to the Open Meetings Act. Discussion ensued on various times in the past when four board members were present for various meetings with congressional leaders. Lorna Wiggins believes both elements of number 5 of the Act must be met: "If formal action is not taken and any discussion of business incidental ...". Director Romero suggested that to avoid this in the future, only three people go at a time to the various conferences or meetings. Director Kelly kind of liked that idea.

Director Romero wanted to discuss the conflicting holiday/board meeting dates. Lorna Wiggins clarified that as long as the new date and time of the meetings are posted prior to the meeting, the board can decide now or later to reschedule the conflicted dates. In 2019, it's Memorial Day and Veteran's Day that fall on the board meeting days.

The Board redirected itself back to which board members should be able to attend certain meetings or conferences, i.e., legislative committee should go to all of the functions around that committee. Chairman Duggins thought that one would want consistency of contacts when dealing with legislators. Director Dunning agreed with this but felt this was a topic for a future meeting (she insisted that it should be discussed).

THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT BOARD OF DIRECTORS

OPEN MEETINGS ACT RESOLUTION

BD-01-14-19-38.13

WHEREAS, the Board of Directors ("Board") of the Middle Rio Grande Conservancy District ("District") met in regular session at 1931 Second Street, SW, Albuquerque, NM 87102 at 3:00 p.m. on January 14, 2019 as required by law; and

WHEREAS, the Open Meetings Act (NMSA 1978, §§ 10-15-1 to 10-15-4) states "all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act."(NMSA 1978, § 10-15-1); and;

WHEREAS, any meetings subject to the Open Meetings Act, at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(C) of the Open Meetings Act Telephone Conferences; a member of the Board may participate in a meeting of the Board or committee meeting by means of a conference telephone or other similar communications equipment when it is otherwise "difficult" or "impossible" for the member to attend the meeting in person.

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the District Board to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that:

1. Except as set forth in this resolution, all District Board meetings shall be held at the MRGCD General Office, 1931 Second Street SW, Albuquerque, NM 87102 at 3:00 p.m. Mountain Standard Time/Mountain Daylight Time as otherwise indicated in the meeting notice. Unless otherwise specified by resolution of the District Board, regular meetings shall be held each month on the second and fourth Monday. When an approved District holiday falls on the second or fourth Monday of the month, the District Board shall schedule its regular meeting at another date and provide advance notice of such meeting date in accordance with this resolution.
2. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Administrative Officer, whose office is located at 1931 Second Street SW, Albuquerque, NM 87102. Notice of regular meetings other than those described in paragraph (1) will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.

3. Special meetings may be called by the Chairman of the Board or a majority of the members of the Board upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman of the Board or a majority of the Board members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
5. For the purposes of this Resolution, the term "meeting" does not include the gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the MRGCD, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.
6. For the purposes of regular meetings described in Paragraph (1) and (2) of this resolution, notice requirements are met if notice of the date, time, and place is published in newspapers of general circulation in the state, along with the agenda posted at MRGCD Division offices and the MRGCD website www.mrgcd.us. Copies of the written notice shall also be sent by facsimile, mailed by U.S. Mail and/or electronic mail to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. For the purposes of special meetings and emergency meetings described in paragraph (3) and (4) of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, facsimile, and/or electronic mail to newspapers of general circulation in the state and posted in the offices of the MRGCD. Telephone, facsimile, and/or electronic mail notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
8. In addition to the information specified above, all notices shall include the following language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Administrative Officer at (505) 247-0234 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Administrative Officer at (505) 247-0234 if a summary or other type of accessible format is needed.
9. The Chairman of the Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10- 15-1(H) of the Open Meetings Act.
 - a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority for the closed meeting and subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - b) If a closed meeting is conducted when the Board is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.
 - c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board of Directors in an open public meeting.

Passed by the District Board this 14th day of January, 2019.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Glen Duggins, Chairman of the Board

ATTEST:

David M. Ferguson, Secretary/Treasurer

Director Kelly made the **MOTION TO APPROVE THE 2019 OPEN MEETINGS ACT RESOLUTION, BD-01-14-19-38.13**. Director Baca seconded the motion. The **MOTION CARRIED**.

c. Discussion/Approval of Dates for County MRGCD Informational Meetings - Mike Hamman, CE/CEO

In 2019, the second Board meeting of each month will be at various sites throughout the District, with February in Socorro County, March being in Valencia County, and April being in Sandoval County. For now, each meeting is slated as "Informational" meetings; however, if there are action items the Board must address, the meeting will be scheduled as a board meeting, even though the meeting is "on the road." The Board discussed ways to increase attendance for the meetings.

d. Update on Pilot Goat Vegetation Management Initiative - Yasmeen Najmi, Planner

Yasmeen Najmi managed to visit the fields last month with Sterling Grogan, former MRGCD employee, who worked on goat projects such as this. They found some good pilot project sites in the Bernardo area. Because of the fires and regrowth in that area, they think this spot is ideal for the pilot project. They are trying to get the goats into areas where there is small salt cedar, weeds, and things of a little smaller stature where they could be more effective and not as destructive. Ms. Najmi is working on the RFP currently, which she would like to have out by the end of the month. This would allow enough time for goats to work for a couple of months, until bird season. As a side note, per federal law, the District must stop all vegetation management activities on April 15th of each year due to the 200-250 different species of birds coming into the Bosque to nest.

Director Kelly noted that this contract award amount falls under Mike Hamman's signature authority. He urged Ms. Najmi to be as quick as possible and, should we have two or three bids, to be prepared to maybe do a multiple award to see whose goats are capable of getting the job done.

e. Report on Filing of Extension in Time Request to the State Engineer Regarding "Proof of Beneficial Use (PBU)" Application - Mike Hamman, CE/CEO, and Charles DuMars, Chief Water Counsel

MRGCD has been working with the State Engineer's Office for over a year regarding the process of steps that need to be taken to move forward with improving water rights certainty within the District in accordance with the current state law.

In the process, Mike Hamman, Chuck DuMars, and David Gensler have discovered that there was only one extension-in-time requests in the OSE file for covering the delay in formal application for PBU. The most recent extension in time requested was 1985, and it was done by the Bureau of Reclamation just for the Permit 1690 for storage up at El Vado Dam.

As an interim step, they chose to bring the pending requests for extension in time forward to 2018 and then do another application for an additional three years. They ran into a few snags here and there with folks that were concerned about it. The six middle Rio Grande pueblos thought we were moving a little fast. Mr. Hamman and his group felt it was important to get it before the State Engineer prior to the change in administration. This is just a simple step. It really does not determine anybody's water rights. It does not require any in-depth analysis as far as the actual beneficial use category. It is just to make sure everything is in process and that

we have a window in time going forward to move the process to the next level. The application was submitted prior to the holidays, and Wayne Cannon is currently reviewing it.

Chuck DuMars noted that it was an interesting process. They have invited the Pueblos, the Bureau of Reclamation, the BIA, and all of their lawyers, to come to a meeting at MRGCD, and they all did. They expressed their concerns. The group indicated that when they filed the application, they intended to include the resolution from this Board that talked about the breadth of possible beneficial uses within the District. They initially were resistant to the language. The applications were circulated, and at the end of the day, they got everybody to sign off on our language without changing anything because this is just an application to allow us to proceed to develop a PBU, not the PBU itself. The rest of this topic will be covered in Executive Session.

f. Review and Discussion of Draft Memorandum of Agreement with Rio Grande Agricultural Land Trust - Mike Hamman, CE/CEO

Mike Hamman reports he modified the Agreement with Nature Conservancy to meet the goals of mutual interests with Rio Grande Agricultural Land Trust ("RGALT"), for them to provide outreach services and education, as well as assist us as we move forward with a number of initiatives.

The agreement allows MRGCD to engage with RGALT for five years. We have an initial appropriation in this budget as a grant for them of \$10,000, and we would reserve year-end funds, if they're available, to help pay for the first year, \$25,000. Mike Hamman is recommending we move forward with the agreement.

Director Moore asked Cecilia Rosacker if she had a specific plan of some of the things that they would be doing. Ms. Rosacker responded that there are multiple workshops planned in each of the District focus areas. Some of the workshops they did last fall, NRCS was there, and they discussed their programs. Bernalillo County was also at the workshops and presented their programs.

They would like to update their website so it becomes more of a resource for landowners and directs them to different opportunities and keep that updated.

Director Baca commented that he is very supportive of this endeavor. Director Baca would like to see this endeavor expanded and asked if there would be an RFP for other entities to take part in it. Mike Hamman responded that we are beginning with RGALT; however, the goal in the long run is to expand to include other entities.

Discussion ensued regarding the issuance of reports and their timeframes, i.e., biannual, annual, semiannual. The main issue is that a report will need to be done prior to budget discussions for the next year.

Director Kelly asked Ms. Rosacker if she would be hiring more help. Ms. Rosacker responded that her intent is to hire more people to assist with other similar MOAs.

g. Invitation to Meet with Albuquerque Mayor Tim Keller and Staff on February 14, 2019 - Mike Hamman, CE/CEO

Albuquerque Mayor Tim Keller has extended an invitation to meet with MRGCD on February 14th. Agenda items will include overlapping issues between the City of Albuquerque and MRGCD, the Open Space Agreement, Bosque Action Plan, levees, and the farmed open space

lands in the Rio Grande Valley. David Ferguson reported that he will take care of the meeting notice so that any number of board members may participate in the meeting. Board members were asked to report to Jeanette Bustamante know as soon as possible if they will attend.

h. Report on the NM State Legislation - John Thompson, MRGCD Lobbyist

John Thompson (John) sent out a report a day prior to this meeting to all board members, which showed the legislation that he had tracked so far as a result of the pre-filing period. The information changed within minutes of sending, but he will send a new report with the new information next week. There are two pieces of new legislation, House Bills 174 and 187, which information is still coming in. So far, he has not seen anything too alarming.

There are still quite a few appointments to be made, which should be taken care of this week. Things should start moving more quickly beginning next week. John Thompson invited people to contact him if they have any questions of if they would like to go up to Santa Fe for a tour.

John spoke to Senator Ivey Soto. Senator Soto intends to do some "clean up;" however, Senator Soto committed to John that none of it would involve MRGCD. John will watch the bill as it comes out to be sure that is the case.

Director Dunning commented that she does not know if the new legislators know who or what MRGCD is. Chuck DuMars commented that it would be a good idea for John to meet with the new legislators to introduce MRGCD.

Chuck DuMars asked John Thompson to explain the rocket docket. John reported that the rocket docket is where all the bills that were vetoed during the Martinez administration that showed bipartisan support, little to no descending votes, would be heard on each respective floor, and then they will be sent up to the Governor's office. John does not think any of them pertain to MRGCD.

Director Kelly read a portion of an analysis of Bill 174, which says in part, "Legally sufficient water to release from Elephant Butte depends on New Mexico's Rio Grande Compact compliance through the middle Rio Grande. We've been using one-time dumps from now dry reservoirs, leaving that compliance tenuous, at best." Director Kelly says the report is totally false, and he has asked John Thompson to try to meet with the bill analyst to discuss the error.

i. Board Update on Aaron and Nancy Peay Culvert Crossing - Mike Hamman, CE/CEO

Mike Hamman and Jason Casuga met with the Peays (they spoke during "Items from the Floor" during a recent Board Meeting) regarding their crossing. A compromise was reached, and the Peays have the option of building a bridge or installing a culvert with the appropriate headwalls and sidewalls (which would require a permit). The Peays will be discussing it and will get back with Mr. Casuga about their decision.

Discussion ensued regarding MRGCD's policy private individuals installing and pay for their own crossings. The only time that MRGCD may consider a cost-share is when there is an emergency or when there is a benefit to the District.

j. Discuss Scheduling of Special Meeting to Address Mid-Term Board Vacancy Policy and Process - Mike Hamman, CE/CEO

A special board meeting will be held on said topic on Friday, January 18th, at noon. Jeanette Bustamante will advertise the meeting by noon, tomorrow (January 15th).

k. Family Farm Alliance Conference, February 21-22, 2019, in Reno, Nevada - Mike Hamman, CE/CEO

Notification of the conference went out in Board Member packets. If Board Members would like to attend, they should let Mike Hamman or Jeanette Bustamante know as soon as possible.

l. Land & Water Summit 2019, February 28 - March 1, 2019, Sheraton Hotel, Albuquerque - Mike Hamman, CE/CEO

Director Kelly will be speaking on two panels at this conference, representing MRGCD as a board member. He wanted to give notice to the Board but also thinks this will be a good conference to attend. Any Board Member wanting to attend please let Mike Hamman or Jeanette Bustamante know as soon as possible.

m. Approve Licenses for December 2018 (Information Purposes)

Information on this topic went out in the board packet. There were no questions or issues from Board Members.



MEMORANDUM ENGINEERING DEPARTMENT

TO: Mike Hamman, Chief Executive Officer

FROM: Matt Martinez, Licensing and Land Sales Coordinator

DATE: January 14, 2019

RE: MRGCD Licenses

The following license requests were approved by staff for the month of December 2018.

1. SP-064-2018—License with Cartesian Surveys Inc. to access the Rio Grande Bosque and Atrisco Feeder right-of-way to perform topographic surveys on the Venada Arroyo and outfall into the Rio Grande for SSCAFCA.
2. SP-065-2018— License amendment with NM Underground Utilities Inc. to continue dewatering and complete the installation of water line utilities within the Indian Lateral right-of-way per the ABCWUA “South Valley Drinking Water Project—Phase 7.”
3. SP-066-2018—License with Albuquerque Asphalt to temporarily access and store equipment within the Corrales Main Canal right-of-way for the Village of Corrales Loma Larga Rd. mill and fill paving project.
4. 2-059-2018—License with NMDOT to install and maintain an extension of three existing 6’X8’ concrete box culverts, wingwalls, and aprons within the Albuquerque Main Canal right-of-way for the US Highway 550 road widening project.
5. 2-060-2018—License with ABCWUA to install and maintain an electrical ductbank (power and communication conduit and wires) within the Barr Main Canal right-of-way for service of the Coarse Screen Facility project.

6. 3-069-2018—License with PNM to install and maintain a buried utility for new customer service within the La Constancia Acequia right-of-way.
7. 2-082-2018—License with ABCWUA to install and maintain an 6"Ø water line crossing within the Placitas Lateral #2 right-of-way at Black Mesa Rd. SW.
8. 3-088-2018—License with Comcast Cable to install and maintain an aerial utility crossing on existing poles within the Hell Canyon Lateral right-of-way.
9. 2-093-2018—License with ABCWUA to install and maintain an 8"Ø water line crossing within the Placitas Lateral #2 right-of-way at Santiago Rd. SW.
10. 4-096-2018—License with Socorro Electric Cooperative to install and maintain an aerial utility for new customer service within the Luis Lopez Ditch #2 right-of-way.
11. 2-109-2018—License amendment with NM Gas Company to relocate a 4"Ø gas main to accommodate the installation of a new box culvert at Dominican Rd. within the Gun Club Lateral right-of-way.

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

a. Update on William Turner Case - Lorna Wiggins, General Counsel

In 2015, a prior director, Dr. Bill Turner, sued (among others) Mr. Shaw, in his capacity as Chief Engineer and CEO, and the PIO at the time, Dennis Dombrowski, and other state officials, claiming that his Constitutional Rights were violated by the District (among others) for actions taken in February of 2006. The claim surrounded allegations about whether this Director was practicing engineering without a license.

A year ago, the District Court dismissed Dr. Turner's action, and it went before the Tenth Circuit. There have been changes in Plaintiff's lawyer, but at the time of the appeal before the Tenth Circuit, Dr. Turner was represented by Blaire Dunn, who was the lawyer who filed the suit and who was subsequently removed as counsel and then rehired. The Tenth Circuit, late in December, found in favor of all of the Defendants and affirmed the dismissal of the action.

There is a slim opportunity for a request by the Plaintiff that the entire panel of the Tenth Circuit hear the case; however, it is unlikely. The minutes can now reflect Bill Turner's litigation has concluded.

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

a. Report on MRCOG Water Resource Board Meeting and Participation in Homeless KRQE Story on January 9, 2019 - Director Baca

Director Baca had a small typo when requested to add to the agenda. These are two separate issues, one being the KRQE story, which occurred on January 5, 2019, and the other being MRCOG meeting, which occurred on January 9, 2019. Both topics will be reported on below.

MRCOG (Mid Region Council of Governments) meeting took place on January 9. Draft legislation is currently being worked on to provide regulations and support communities who are not in large support of fracking. None of it would be binding legislation. It would be up to small communities that would not otherwise have the resources to do something like this. It would be model legislation for them to use, if they so choose. They've put together a technical advisory

team to address all the different components of this, whether it's the actual science of it or the policy aspects of it. Director Baca is participating a little bit in that he has some oil and gas experience in his own career.

Director Romero made the **MOTION TO APPROVE DIRECTOR BACA'S REPORT ON MRCOG WATER RESOURCE BOARD MEETING ON JANUARY 9, 2019.** Director Dunning seconded the motion. The **MOTION CARRIED.**

On the homeless topic, earlier this week, on Campbell Ditch (I-40 and Rio Grande), there is a homeless camp set up. Rep. Javier Martinez called Director Baca to help take care of this. Mike Hamman sent out the Bosque Patrol, and all was handled.

KRQE did a story with Javier Martinez and Director Baca. They would like to partner with Albuquerque Mayor's Office and other representatives to better coordinate how these folks are handled. Representatives from the Albuquerque Mayor's Office will be on the next meeting's agenda to discuss this partnership.

Director Dunning commented that this is not just a Bernalillo County issue, but one that goes across all counties.

Director Romero made the **MOTION TO APPROVE DIRECTOR BACA'S REPORT ON THE KRQE STORY ON JANUARY 5, 2019.** Director Moore seconded the motion. The **MOTION CARRIED.**

b. Irrigation Committee Meeting, January 14, 2019 - Chairman Duggins and Directors Moore and Lente

This topic was covered in items above.

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

Director Dunning made the **MOTION TO GO TO INTO EXECUTIVE SESSION.** Director Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Dunning	Yes	Chairman Duggins	Yes
Director Baca	Yes	Director Moore	Yes
Director Kelly	Yes	Director Romero	Yes

- a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7**
 - 1. Threatened or Pending Litigation**
 - i. WEG v. Blaine**
 - ii. Filing of PBU**
- b. NMSA 1978 Open Meetings Act, Section 10-15-1(H)2**
 - 1. Limited Personnel Matters**

Discussion ensued during executive session with no decisions made.

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

Director Dunning	Yes	Chairman Duggins	Yes
Director Baca	Yes	Director Moore	Yes
Director Kelly	Yes	Director Romero	Yes

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

The meeting was adjourned at 5:40 p.m.

Approved to be the correct Minutes of the Board of Directors of January 14, 2019.

ATTESTED:

David M. Fergeson
Secretary/Treasurer

Glen Duggins, Chairman of the Board
Middle Rio Grande Conservancy District