

**MINUTES OF THE
TWO THOUSAND EIGHTY FOURTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
March 14, 2016**

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

DIRECTORS:

Derrick J. Lente	Chair
Adrian Oglesby	Vice-Chair
Glen Duggins	Director
Karen Dunning	Director
John P. Kelly	Director
Chris Sichler	Director
Beverly Romero	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Patrick Redmond	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Assistant Engineer
Eric Zamora	Asst. Chief Engineer for Ops.
David Gensler	Hydrologist
Doug Strech	GIS Supervisor
Tom Thorpe	Public Information Officer
Joe Brem	Albuquerque Division Manager
Sloan Washburn	Belen Division Manager

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

John Thompson, MRGCD Lobbyist Florentino Torres Jocelyn Torres Pat McCraw Anita Steed, Pueblo of Santa Ana Veronique Richardson, Pueblo of Santa Ana Katie Babuska, Babuska Consulting Martin Haynes Jeff Willis, AMAFCA	Keith Candelaria, US BIA Gary Stansifer, OSE Jessica Tracy, Pueblo of Sandia Pablo Padilla, Pueblo of Isleta Frank Chaves, Pueblo of Sandia Jennifer Faler, US BOR P. Stout, Pueblo of San Felipe Maxine Paul, Pueblo of Santa Ana
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AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente requested that Director Oglesby lead the Pledge of Allegiance.

Chairman Lente welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Lente called for approval of the agenda. Director Sichler requested a report on the new 4-10 work schedule and Chairman Lente said that would become 10c. Mr. Hamman said he would like to discuss scheduling of the April 11, 2016 Board meeting and that will become 10 i.

Director Romero made the **MOTION TO APPROVE THE AGENDA AS MODIFIED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL BILLS & PAYROLL RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification – March 14, 2016

Chairman Lente called for approval of the Bills and Payroll Ratification for March 14, 2016. Director Kelly had a comment and request on the billing for HDR Engineering and Mr. Hamman complied. Director Kelly requested that when the HDR final report is complete, it be made available to the Board and Mr. Hamman agreed.

Director Romero **MADE THE MOTION TO APPROVE THE BILLS AND PAYROLL RATIFICATION FOR MARCH 14, 2016 AS PRESENTED.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- b. Approval of February 2016 Invoice for Wiggins, Williams & Wiggins

Chairman Lente called for approval of the February 2016 Invoice for Wiggins, Williams & Wiggins.

Director Kelly made the **MOTION TO APPROVE THE FEBRUARY 2016 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS AS PRESENTED.** Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 4 – APPROVAL OF THE MINUTES

- a. Consideration/Approval of Minutes for Regular Board Meeting – February 22, 2016

Chairman Lente called for approval of the minutes for the Regular Board Meeting February 22, 2016.

Director Romero made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 22, 2016 AS PRESENTED.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Martin Haynes said he would like to speak to agenda items 7 and 10d. He said regarding the siphon issue and all he knows is that whatever is going on with the siphon; the District needs to keep doing it because this is the earliest that he has ever irrigated in his 29 years on his property. Mr. Haynes said in relation to agenda item 7 and as the Board moves through making their decision on the O&M agreement and he wants them to keep in mind the many variables and options the BIA has. He said he is under the impression that the cost of this agreement will decrease while the other ratepayers increase is unjustifiable in his mind. He said if the Board is going to agree to a deal, they all want a deal that is as long as possible; a multi-year agreement. Mr. Haynes said if there is a multi-year agreement, it needs to be tied to some type of index or cost and if those costs go up or his rates go up, then so should this agreement.

Pat McCraw said she agrees with Mr. Haynes. She said she heard a rumor that Senator Michael Padilla may want to set a meeting with the Board and she wants to ensure the Board advertises it properly and specifically that she be invited to bring boxes of material for everyone. She said she also wants to remind the Board that all acequias in Bernalillo County signed an agreement with the MRGCD that said they would give over maintenance and operation and control to the District and that is very specific. Ms. McCraw said she would point out there is a ditch in her area called the Marino Ditch and it became a part of the system in 1935 and the acequias do not own this ditch as well as others. She said before the District does work on an acequia, they need to know who is in control of it. Ms. McCraw said the Attorney General has yet to rule if the acequias have any power within the MRGCD because the Conservancy Act created the MRGCD and

gave them that power. She said someone that has an acequia association right now has endorsed State candidates and they are not supposed to be doing that if they are a State agency. She said the Acequias have yet to give their information in the lawsuit that was brought against them and have yet to be audited by the State Auditor and the Board needs to be aware of this before they act as a conduit in giving money to them; the lawyer that represented the Acequias was eventually disbarred.

AGENDA ITEM NO. 6 – FY 14/15 MRGCD AUDIT REPORT – Wayne Brown, CPA – Ricci & Company

Mr. Brown introduced himself and said this was the first year for Ricci & Company to perform the audit for the MRGCD. He said he will review a couple of points in the audit and the entire audit was given to the MRGCD Audit Committee last month. He said the cooperation the first year was excellent and he congratulated the MRGCD in management of high quality accounting records and the professionalism displayed by staff. Mr. Brown said the first year is a bit more difficult because they are not familiar with everything. He said their opinion is rendered on the financial statements and his firm received acceptance of the audit on the afternoon of the last Board meeting.

Mr. Brown said the first document is a synopsis of the activity of the year for the MRGCD as well as its financial position at the end of the year. He said the big change from this year versus previous years is the assumption of the pension liability and is, for the first time, recorded on the financial statements and he went on to explain this item and its previous placement in the report. Director Oglesby asked if this was FASB 68 and Mr. Brown said it is and he went on to give more details on this issue. Mr. Brown said there were a couple of comments from the previous audit – two small matters related to internal controls and those were successfully resolved by staff and these items were reviewed again and approved.

Mr. Brown said his firm had two comments this year that were relatively minor. He said they noted in terms of testing payroll records there were four people out of forty that were tested to have not signed an acknowledgment form in their personnel file regarding social security benefits and that was successfully resolved before the audit was completed; relatively minor occurrence. Mr. Brown said the next item had to do with purchasing and had to do with a two items out of forty that were tested and did not have the proper PO or requisition forms before the actual purchase took place. He said staff has already changed the procedure and will prevent this from occurring in the future.

Director Oglesby said this year there is a favorable variance of a little over \$4 million under budget. He said a good chunk of that comes from various small places and what is the rest attributed to? Mr. Hamman and David Ferguson, MRGCD Secretary/Treasurer detailed some of those cost savings. Director Kelly asked where would fraud likely take place within the MRGCD structure of financial policies? Mr. Brown said within the policies he thinks the policies and framework are quite sound and the two instances he mentioned were because the proper procedures, as outlined, were not followed. Director Kelly said as a Board member and a member of the Finance Committee, he wants to be the first one to know if policies need to be revised so the MRGCD can continue to receive clean audits. Director Dunning inquired about PERA and possible PERA payments and Mr. Brown explained.

Director Kelly made the **MOTION TO ACCEPT THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AUDITED FINANCIAL STATEMENTS FOR JUNE 30, 2015 AS PRESENTED BY STAFF AND WAYNE BROWN, CPA-RICCI & COMPANY.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 7 – CONSIDERATION/APPROVAL OF MARCH 2016 OPERATIONS & MAINTENANCE AGREEMENT BETWEEN THE MRGCD & THE US BUREAU OF INDIAN AFFAIRS – Mike Hamman, MRGCD CEO, MRGCD BIA Negotiations Committee, Chairman Lente, Directors Oglesby & Duggins

Mr. Hamman gave an overview of the agreement in the Board packet. He said the Board directed him to go forward to the BIA and those representing the Pueblo Coalition to finalize negotiations with the agreement. He said the previous iteration of the agreement was a two year term with the ability to extend for additional

three one year periods and a counteroffer was for a straight five year term associated with payment terms that had been agreed upon. Mr. Hamman said he did return to the negotiation committee with that directive and the process unfolded where the Pueblo Coalition met separately and pressed the issue with the BIA and they came back with what is listed in the agreement; essentially a three year agreement with the ability to renew up to two years. He said the rationale in the feedback he received is the Coalition sees potential change in the makeup of the Board within the next few years and possibly in the leadership of the MRGCD and wanted assurance there would be a check-in at the two year period on the commitments of both parties. Mr. Hamman then reviewed the formulas and payment terms of the agreement. Mr. Hamman said based on everything he knows and what he has been involved in, he is recommending to the MRGCD BIA Negotiation Committee and to the full Board that this agreement be approved.

Director Oglesby said Mr. Hamman has provided the information and answered the questions. Director Duggins said he is ready to go with this agreement and see what can be done to create better relationships with the Pueblos and the Pueblos better with the MRGCD and he supports the agreement. Chairman Lente said he is grateful to MRGCD staff and Mr. Hamman for being able to negotiate this agreement on behalf of the MRGCD. He said this negotiation has not had much Board involvement saving a lot of time, money and frustration. He said he also appreciates the Pueblos being involved and included in the discussions and their willingness to negotiate the agreement. Director Kelly had questions on the key element of the rate increase in the agreement and is that the right number for that component of this equation going forward today and Mr. Hamman responded with some background on the equation and its evolution. Director Kelly asked if the number would be adjusted by any changes/percentage increases in the MRGCD assessments and water service charge and Mr. Hamman responded yes. Director Sichler said the United States interpreted the way the statute read to determine how payment was made and they determined it should be equitable to what others are paying within the MRGCD. He said MRGCD legal counsel gave opinion to the Board that it is whatever it costs the MRGCD to do the work on the Pueblos and that is what the charges should be. He said the costs, and Mr. Ferguson would concur, the charges are quite a bit higher than what the MRGCD is charging in the agreement. Director Sichler said prior to the last contract, the MRGCD was getting \$1 million a year to do the work on the Pueblos and with the current agreement factoring in the rate increases, the MRGCD should be getting \$775,000 now and not the \$721,843. He said it is his understanding there may be another rate increase on the water service charge and ad valorem this year and that would bring it up to approximately \$805,000. Director Sichler said he hopes there will be a five year agreement, but his problem is that every time the MRGCD negotiates this agreement, the price the MRGCD receives goes down. He said he probably wouldn't have heartburn with the price the MRGCD is charging the Pueblos if the Pueblo farmer actually pulled his checkbook out and had to pay this, but he doesn't, this is paid by the BIA and there is not even a cost to the Pueblo farmer for this. Director Sichler said he applauds the BIA of doing a good job of negotiating with the MRGCD and the BIA doesn't even send the money back to Washington, the money just goes to the Pueblos and there seems to be a conflict of interest in the whole negotiation. He said he feels the MRGCD should get what it costs to do the work and in good conscience he cannot approve the agreement. Director Sichler said in the agreement the price is reduced and in a couple of months the Board is going to be asking constituents to pay more money and so he can't vote for that. Chairman Lente said he would like to speak on behalf of one Pueblo farmer, himself; he would like to thank the BIA for paying on his behalf the charges for NRL's on his Pueblo and all the other Pueblos within the MRGCD. He said he thinks there is a big misinterpretation with respect to non-payment of taxes; the Pueblos pay State and Federal taxes just the same as others and the fact that there is a huge easement on each of the six Pueblos that runs from the north to the south that will be there forever and directly benefits every single farmer, non-farmers, Indian, non-Indians and everyone in the MRGCD. He said there is a price on those easements and the fact the Pueblos never got paid for those easements and now they are getting the benefit of getting Operations & Maintenance performed on those easements for the rest of their lives and that is the way it should be. Chairman Lente said the perception that someone is getting subsidized, the farmer is subsidized period and that is the way it should be for agriculture in this valley. He said the last thing he wants to happen is for the errors of the past to regain control and once again the Pueblos are not serviced the way they should be and he feels the Pueblos deserve this agreement and the ability to review the work that is being done by the MRGCD Board and staff. Director Sichler said the MRGCD works on 8,000 acres of Prior & Paramount land for free, always has and always will because of the easements that run through their property. He said NRL's are lands that could never be, were never irrigated and could not be irrigated until the MRGCD was put into existence and that is why they are expected to pay the cost just like everyone else in the MRGCD. Director Sichler said he is happy the Pueblos are getting the work done the same as everyone else; he doesn't like

the pricing part of it. Director Kelly said Director Sichler points out how this agreement used to be \$1 million and that included basic services plus additional services and this agreement allows the basic services at \$722,000 plus potential additional services that would be billed and that is capped at \$1.2 million. He asked is there a record of those additional services that had been done by others on the Pueblos i.e. the Bureau so there is some idea of the total cost is per year and Mr. Hamman said he doesn't have direct figures in his possession, but knows they can be retrieved. Mr. Hamman said within the context of additional services that have to do with work the MRGCD performs in connection with the Bureau within the MRGCD system, the MRGCD has the ability to use outside services that are outside the BIA funding and the goal is to be the premier provider of these services. Director Kelly said he would like to note that another \$450,000 needs to come in the direction of the MRGCD. Director Sichler said he would like to clarify that the MRGCD used to get \$1 million for the work and there was about \$200,000 leftover for additional services. He asked if the MRGCD actually made money on doing these additional services and Mr. Hamman said it would depend on the work being done and he explained. Director Sichler said maybe the MRGCD should consider letting another contractor do this additional services work and if this is just a break even deal, then let someone else do the work and the system is still going to be improved. Mr. Hamman said the MRGCD does have the annual work plan for off season work and the plan is to have that in place and ready to go so the Division Managers can do what they need to do. He said the Division Managers will analyze what the MRGCD's capacity is and if the work can't be done then each request will considered on a case by case basis. Director Sichler asked Mr. Hamman if he anticipates in three years that this new price formula will be re-negotiated in this agreement and Mr. Hamman said the MRGCD is going to continue to develop the data and understand better how the costs are being allocated for work on the Pueblos and will be in a position to share that information. He said he firmly believes the MRGCD will not be paid less now than going forward and if the MRGCD can provide data information that shows there is a higher order of service being provided for x amount of dollars, they will make that argument and see what happens. Director Sichler said he wants to get this into the record that this figure is the floor and in three years the MRGCD can come back and say this is the floor. Director Oglesby said in the three to five year agreement, the MRGCD can come up with real numbers to figure out the positioning and this is a great challenge for the MRGCD. He said he would like to point out to Director Kelly on the \$1.2 million cap and that is a Congressional appropriation and is in cooperation with the Pueblos.

Director Oglesby made the **MOTION TO APPROVE THE MARCH 2016 OPERATIONS & MAINTENANCE AGREEMENT BETWEEN THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE UNITED STATES OF AMERICA ACTING THROUGH THE SECRETARY OF THE INTERIOR AS PRESENTED BY STAFF**. Director Duggins seconded the motion. The Recording Secretary requested a roll call vote.

Director Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Yes, but expressed similar concerns that have been discussed here as to the financial position and what needs to be done going forward.		
Director Sichler	No, can't raise rates on one group and lower on another		
Director Romero	Yes		

The **MOTION CARRIED**.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

a. Bureau of Reclamation – Ms. Jennifer Faler, USBOR Area Manager gave the water summary report.

1. Heron Summary

Content = 73,616 ac-ft. (03/10)
 Azotea Tunnel: 50-75 cfs
 Total SJ-C inflow year-to-date: 4,134 ac-ft.
 Currently releasing: 40 cfs
 Current MRGCD storage: 1,521 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 03/10:
38,805 ac-ft.
- B. Native in El Vado
22,315 ac-ft.
- C. MRGCD SJ-C storage in El Vado
13,607 ac-ft.
- D. NMISC EDWA:
1,205 ac-ft.
- E. All other SJ-C contractors:
1,678 ac-ft.

Current release is 75 cfs RG Inflow is 200-250 cfs

3. Storage in Abiquiu

Content = 132,790 ac-ft. (03/10)
MRGCD SJ-C storage = 1,901 ac-ft.

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

Snowpack Data

As of 03/11/16 (%of median)

Rio Chama Basin	81%
Upper Rio Grande Basin	91%
Sangre de Cristo Basin	88%
Jemez Basin	71%
San Juan River Basin	92%

March Streamflow Forecast

Rio Grande @ Del Norte CO	520,000 ac-ft. (101%)
El Vado Reservoir Inflow (Mar-Jul)	200,000 ac-ft. (89%)
Rio Grande @ Otowi	620,000 ac-ft. (86%)
Jemez R. Below Dam	27,000 ac-ft. (79%)
Rio Grande @ San Marcial	410,000 ac-ft. (80%)

Ms. Faler reviewed briefly the snowpack condition. She said the BOR has a lot going on in connection with the MRGCD and the first she will mention is the gravel siphon structure on the river that is receiving emergency protection, they are also working with the MRGCD on sediment issues and operations on the Isleta Pueblo and the Isleta Diversion dam and finding a path forward to resolving those issues and the focus on a fish passage and she gave additional details on that project. Ms. Faler said the Collaborative Program and the Biological Opinion negotiations are moving forward and hopefully resolved this summer; they are preparing to have a draft in June.

Mr. Hamman said he would like to thank Ms. Faler and her staff for assisting on the Corrales Siphon. He said it has been termed as an emergency, however, it is really preventing an emergency and the Board will get an update later in the meeting and he went on to give a brief explanation of what occurred in the past couple of weeks and what has been done to rectify the situation to this

point. Director Oglesby asked if the work being done on the siphon has increased its capacity and Ms. Faler said no, it has not. Director Kelly said there has been increased capacity picked up by cleaning the siphon that was lost due to deferred maintenance.

b. Bureau of Indian Affairs – Keith Candelaria, Acting Designated Engineer

Mr. Candelaria reported the Prior & Paramount water March forecast indicates a storage target of about 15,113 ac-ft., however, the May forecast is what determines the final target. He then gave a review of payments paid for the 2015 irrigation season and the status of the current agreement. He said a quarterly meeting will be scheduled by the end of March to discuss issues and activities on O&M work which was performed in January and February.

Mr. Candelaria said he received the MRGCD's review comments on the Condition Assessment and those comments have been forward to DOWL Engineering and there are approximately 90 days to receive the final results.

Mr. Candelaria said the Designated Engineer (DE) position posting was closed on March 7, 2016 and his position officially ended in February. He said the current DE tasks of the DE position are currently being shared by all those in the office.

AGENDA ITEM NO. 9 – CROSSING ON LAS NUTRIAS DRAIN – Jocelyn Torres

Ms. Torres distributed additional background information to the Board. She said this has been an ongoing issue for most of her father's life and he has brought this problem to the MRGCD's attention many times. She said on the west side of the drain crossing the MRGCD has allowed the landowner to overwater the land and that water has spilled onto the road and caused erosion of the road and the drain crossing. She said the other thing that has happened over the years is the culvert is placed so low in the ground that when machinery is used to clean the drain, sheets of metal are being taken out. She said all of this has caused an issue with the drain crossing. Ms. Torres said she and her father coordinated various meetings with MRGCD Board and staff members and NM State Representative Tripp to show them what their concern was. She said it is the understanding of she and her father the MRGCD was going to build some type of berm or support on the north side that was eroded and unsafe in order to expand the side of the bridge for passage of farm equipment. She showed a photo dated December 20, 2015 of how the eroded bridge looked on that date and she said they were asking the MRGCD to try and build up the erosion. She then showed photos of the crossing on February 6, 2016 after the MRGCD had cleared the area and created a cliff and photos of the road and cliff on February 13, 2016.

Ms. Torres said her concern is the liability for conditions like this. She said when a government entity leaves a bridge like this in a dangerous condition; there is liability if someone unfamiliar with the area has an accident. She said the MRGCD asked about her father entering into a license agreement on this crossing and if there had been an accident, he would have been jointly and severally liable for that result and that concerns her. She is asking the Board to consider building up the north side of that bridge to whatever they see fit so that it is not a danger and hazard to the general public. She said she does appreciate the time and effort that MRGCD staff and Board have spent with her and father; however, she is very concerned about this bridge.

Director Duggins said it would be nice to replace the crossing, however, the MRGCD has a policy that has to be followed and one constituent cannot be treated differently than another. Director Duggins asked how long this culvert had been installed and Mr. Torres said he didn't know, but a long time. Director Duggins said this bridge, in his opinion, has lived its life and a complete failure of this bridge is soon to be. He said if the MRGCD goes to the expense of trying to patch something that is going to fail anyway very soon, he has to go with policy. Director Duggins said he would suggest that Mr. Torres take the offer the MRGCD has made and he thinks it is a good offer. Ms. Torres said she and her father did not create nor contribute anything to this problem and it was the MRGCD that has caused the damage. She said if there is some kind of personal lawsuit, then the MRGCD would be liable for that and that should be cause for concern.

Director Sichler said it has been established that this is a private crossing and he would like Mr. Hamman to inform the Board on the offer that was made to Mr. Torres and the MRGCD policy on private crossings. Mr. Hamman said under MRGCD Board policy if it is a private crossing and it is not necessary for MRGCD use, a public hazard or not getting proper drainage, the MRGCD has the right and authority to remove the impairment. He said the way the MRGCD approaches these situations is to work with the landowner(s) on arrangements and historically this has been for the owner(s) to buy the materials and the MRGCD puts it in at MRGCD cost. He said this is definitely an undersized culvert and has previous problems and it would be great if it could be fixed permanently. He said a license agreement would be worked out with the owner and once the culvert is repaired, then the MRGCD would go into this long term license agreement, but not with the culvert in its current state. Mr. Hamman said the number one concern was a safe crossing for Mr. Torres and he explained the proposed fix and said that while they are fixing this issue, the one occurring downstream because of cattle would have to be addressed as well. Director Kelly asked about the size of the culvert and Ms. Torres said it is about four feet, but was not properly installed. Director Kelly said consideration of upsizing the pipe and the \$3,500 is the material cost for a 36"-48" pipe because anything larger would be more than \$3,500. Mr. Hamman said the MRGCD estimate, under today's standards, for proper installation would be approximately \$12,000 in materials alone; plus the installation. He said based on Ms. Torres' comments, the MRGCD discounted this process significantly. Mr. Hamman said the MRGCD has spoken with the neighboring landowner regarding the watering issue and the landowner has since fixed the problem by raising the road and re-done their field to prevent runoff. Director Kelly said he feels Mr. Hamman's offer of January 13th is more than reasonable for similar situations that he has seen this Board deal with and complaints that he has dealt with in Bernalillo County and he thinks they have been given more than a fair offer. Ms. Torres said she wants this to go into the minutes because when and if someone goes into the ditch, she wants it to be on record. Director Oglesby asked Lorna Wiggins, MRGCD General Counsel regarding the Crossing policy as it relates to original lands when the MRGCD was formed and divided by the Works and is the MRGCD responsible for crossings that are acquired through the landowners access that was originally a whole property. Ms. Wiggins said she would have to defer to staff and she would have to research that. Mr. Hamman said it has been researched and it does not apply to this property and it is an unlicensed culvert that was put in and there is no record of it per se. Director Dunning asked if the overwatering issue has been dealt with and Mr. Hamman said yes it has and referred the Board to photos that Ms. Torres provided. Director Dunning said Ms. Torres is concerned about liability, not for her father, but for someone else and could there be a warning sign placed at the location to release the liability and Mr. Wiggins, MRGCD General Counsel responded. Mr. Hamman said there are many crossings within the District that are less safe and he pointed to one of those in the photos and the MRGCD could sign every one of them to possibly eliminate liability, but he didn't think it would help much. Director Oglesby asked if this road was a heavily traveled road and it was determined it was not.

Chairman Lente asked the Board regarding their decisions. Director Sichler said he would go along with Director Duggins. He toured this location on his way to the meeting today to look at everything and when you first enter the private road that leads up to the crossing and the first thing he noticed is there is one area fenced on both sides and he got out and measured and it was 13 feet wide and the problem area where it had flooded in the past, the neighbor had raised the road and it was quite a bit higher and would take care of that problem. He said when he got down to where the MRGCD had fixed the crossing, it is 19 feet wide and he said you can't get anything down the road more than 13 feet wide. He said the site isn't beautiful, but it is properly restored for an older crossing and putting good money after bad. He said the standard policy for a private crossing is the MRGCD will replace the crossing for cost, and because the MRGCD acknowledged they may have had some responsibility, the cost was reduced from \$12,000 to \$3,500 for materials and he thinks that is a good deal. He said if the Mr. Torres does this, he will have a good crossing for another 30-40 years and it will increase the value of his property just with the access.

Ms. Torres said they expected the best out of the MRGCD as far as whatever work they would do and it is sad to her that, and Mr. Hamman is right, you can look at the neighbor's road and the work that he did because the MRGCD made them do it and they did a good job. She said then you look at the dangerous condition that the MRGCD did to this bridge and they caused the damage to the bridge and did not do a good job. She said her father is not going to fall into the ditch because he already knows it's there, but who is going to and she thinks that is worth thinking about. Director Sichler said Ms. Torres needs to understand that in other situations where there is a private crossing that has failed or is dangerous, the MRGCD can

actually pull the crossing out which Mr. Hamman said earlier. He said Ms. Torres is coming to the Board saying the MRGCD is liable if someone gets injured and he thinks what she is saying to Mr. Hamman is to come and pull the crossing out before someone gets injured. Ms. Torres said they are just asking to build up the site so there is not a sheer cliff. She said the MRGCD policy was just enacted in 2004 and is a brand new policy. Director Kelly said that Director Sichler made the comment that if Mr. Hamman thinks the culvert is an unsafe crossing then it needs to be pulled. Director Oglesby said the majority of the Bridge policy has been replaced since the inception of the MRGCD or shortly thereafter, but the entire purpose has been with the MRGCD since the beginning. Director Duggins told Mr. Torres that he should re-consider the generous offer because it is a good deal and is better than what is going to come.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)

- a. Bid Abstract(s) – Jeanette Bustamante, MRGCD Administrative Officer
 1. Consolidated 2017 Model 5-7 Yard Dump Truck – Albuquerque Division

Ms. Bustamante gave details for the bid abstract.

The Albuquerque Division was appropriated funding for a 5-7 yard dump truck, and after thorough review, staff is recommending award as follows:

2017 Cab & Chassis via NM State Price Agreement to Rush Truck Center for \$91,783.00; Dump Body to the lowest responsible bidder, Construction Truck Equip. for \$17,250.00.

NM State Price Agreement Contract # 22-000-00-00105

VENDOR	2017 35 GVWR CAB & CHASSIS TRUCK		UNIT COST	GRAND TOTAL
RUSH TRUCK	MAKE PETERBUILT	MODEL 337	\$91,783.00	\$91,783.00

BID ABSTRACT

VENDOR	DUMP TRUCK BODY	UNIT COST	GRAND TOTAL
CONSTRUCTION TRUCK EQUIP	MAKE: CRYSTEEL	\$17,250.00	\$17,250.00
CLARK TRUCK	MAKE: DURACCLASS	\$18,946.00	\$18,946.00
MCT INDUSTRIES	MAKE: GALION	\$27,165.00	\$27,165.00

Grand Total: 2017 5-7 YARD DUMP TRUCK COMPLETE \$109,033.00

***Albuquerque Division FY 2016 BUDGET \$124,000.00**

Director Kelly made the **MOTION TO APPROVE STAFF RECOMMENDATION FOR THE CONSOLIDATED 2017 MODEL 5-7 YARD TRUCK-ALBUQUERQUE DIVISION IN THE AMOUNT OF \$109,033.00.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

2. Track Loader – Cochiti Division

Ms. Bustamante gave details for the bid abstract.

Bid for compact track loader was advertised as per New Mexico Procurement Code, and six (6) bids were received as follows:

VENDOR	TRACK LOADER MAKE/MODEL	UNIT AMOUNT	FORK ATTACHMENT	EXTENDED WARRANTY	GRAND TOTAL
Titan Machinery	2016 Case TR270	\$49,345.00	\$706.00	Standard (no extra charge)	\$50,051.00
Bobcat of Albuquerque	2016 Bobcat T550	\$49,095.51	\$562.40	\$3,229.00	\$52,886.91
Golden Equipment	2016 Volvo MCT85C	\$49,900.00	\$1,050.00	\$4,735.00	\$55,685.00
4 Rivers Equipment	2016 John Deere 323E	\$59,100.00	\$696.00	\$2,533.00	\$62,329.00
Century Equipment	2016 Gehl RT175	\$47,820.00	\$900.00	\$2,862.00	\$51,582.00
Wagner Equipment	2016 Cat 259D	\$52,670.00	\$915.00	\$3,750.00	\$57,335.00

After thorough review staff recommends award to the Lowest Responsible Bidder, Titan Machinery for a 2016 Case Track Loader, model TR270, complete with fork attachment and three (3) year warranty for a Grand Total Amount of \$50,051.00.

**Cochiti FY 16 budget amount \$50,400.00

Director Kelly said given that the Bobcat machine has a lower based bid, is the extended warranty, over their base warranty, enough of a consideration to award to Titan? He said he will note that Bobcat created the skid steer loader and probably has a better reputation for longevity. He said if that is a consideration, has that been addressed? Ms. Bustamante said that Mr. Deloia, Purchasing Agent has conferred with other staff and the consideration was that because of the extended warranty, it adds value because there is no charge. Director Kelly said he would defer to staff on this and he would like to have them look at that. Director Kelly made the **MOTION TO AWARD TO TITAN FOR THE AMOUNT OF \$50,051.00 IF STAFF CONVINCES MR. HAMMAN THAT THE EXTENDED WARRANTY DOES NOT OFFSET THE LOWER BID BY BOBCAT.** Ms. Bustamante said another part of the evaluation process is also making sure the vendors are meeting/exceeding the expectations as put out and, she would safely say that when they made the bid, that Titan saw those specifications as well. Director Kelly said he would assume that all bidders read the specs or they would have been disqualified. He said since it is the extended warranty that makes or breaks this award, he thinks staff should take one more look at it and award number one or two with appropriate document. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

b. Water Report – David Gensler, MRGCD Hydrologist

Mr. Gensler reported that unfortunately he does not have a lot to report. He said it has been about six weeks since there has been any significant precipitation and it continues to be nice warm beautiful weather which he doesn't want to see in March. He said in spite of the forecast that El Nino is still with us and he is not inclined to get too excited at this point because the spring is always a tumultuous time for New Mexico weather. Mr. Gensler said the March forecast is out and, as expected with six weeks of no snow, it is down quite a bit. He said the present forecast is for something like 85% of normal runoff and if it continues with no snow, then it will continue to go down. Mr. Gensler said that will give the MRGCD just a little shy of 200,000 ac-ft. at El Vado March through July. He said he checked the Snotel numbers this morning at Cumbres and they are 92% of average

and so that snow is staying up there in the high elevations and the lower elevation stuff is going to (*unintelligible*) or not going to Albuquerque. He said there is good news for the local Sangre de Cristo's; both of those Snotel's around Santa Fe are 100% or better still and quite a bit of water there. He said as temperatures that are consistently warm overnight there should be more and more in the system and in the reservoirs; the Chama has been peaking a little higher every day now for the past week.

Mr. Gensler said the start of the irrigation season is going well and all the ditches are running water and running deliveries to Socorro, Cochiti and Belen and he hasn't heard of any deliveries yet in Albuquerque. He said the demand is still pretty light and that will begin going up from here. He said today is running about 80 cfs at Cochiti, only 70 cfs at Angostura, that's a big change from last week when it was diverting at about 60 cfs in an effort to reduce flows through the Corrales Siphon project. Mr. Gensler said Belen was about 260 cfs this morning and they have pretty much finished the west side of the Belen Division and have started on the east side. He said that Socorro is not diverting any water, San Acacia is not checked up other than return flows from the Belen Division and as of this morning, there was about 160-170 cfs running.

Director Sichler asked if the MRGCD was still in Article VII and storing water and Mr. Gensler said the MRGCD is out of Article VII. He said the current storage at the Butte is about 452,000 to date and so the MRGCD climbed well above the Article VII threshold and he doesn't know what exactly what will happen down south. He said from his perspective, another piece of good news is that the Butte storage continues to climb to good levels each day at about 1,500 ac-ft. per day. He said the higher that number gets, the more protection there is for the MRGCD. Director Sichler asked how many ac-ft. does the MRGCD have stored for out of Article VII. Mr. Gensler said approximately 6,000 ac-ft. since they began storing. Director Sichler asked how much more could be expected and Mr. Gensler said optimistically 50,000.

Director Sichler asked how things were going with the startup in the other Divisions? Mr. Gensler said the started the Peralta Main late last week and got water down to Belen fairly quickly and they are running the smaller canals and they have now started on the east side. He said as far as he has heard, it is running quite well and by next week they should be in pretty good shape. Mr. Gensler said in the last two seasons, they began on the east side first because of construction and this year they got the west side on first. Mr. Gensler said Albuquerque had everything prepared with the exception of the North Valley and they started the North Valley this morning.

c. Update on the 4-10 Hours/Day Schedule – Director Sichler

Mr. Hamman said staff has been analyzing the success of the winter work schedule on the 4-10's and also the general feeling of the staff working under the new schedule. He said there is an acknowledgement that the 4-10's schedule is very productive because they are on the job longer and getting started on the job sites earlier; with the time change it will take a few days to reset. Mr. Hamman said once the schedule is coupled with the more efficient work order process, he believes it will show more productivity. He said Division Managers have an on-call staff that can respond to any problems that occur in the system Friday through Sunday and it is a rotating process and will be handled with comp time rather than overtime. He said the way that it has been set up is the Divisions will be very responsive if a crew is required Friday through Sunday.

Director Sichler asked what time does staff began working in the morning and Mr. Hamman responded it was 6:00 am. He asked what staff does from 6:00 to 7:00 am when it's dark outside and Mr. Hamman said they are getting prepared for the day; materials and supplies, and then drive to the project location. Director Sichler said he said originally it was discussed that staff would go back to regular time once there was startup and one of the things that brought up this subject was he had a farmer call from Bernalillo County asking about the 4-10's and he is wondering why he is still waiting to get his ditches run so he can water. Director Sichler said that management is happy about it and seems to think it is more productive; however, he knows that all employees are not happy about it because there have been complaints. He said it needs to be considered that it's great for management, but it doesn't work for the people the MRGCD serves and maybe the 4-10 scheduling

needs to be re-thought. Mr. Hamman said he agrees and if it's not working for all parties involved, especially constituents, it needs to be addressed. He said that irrigation start-up is going full bore and everything is in place and it could be a misconception in Bernalillo because that area hasn't been started and is yet to come. Mr. Hamman said the ISO's are on a different schedule from the Division offices and they are on site ready to go and working seven days a week. Director Duggins said he has spoken to several employees out in the field and it seems like everyone likes it and he asked if they get the same work done and they always say yes. He said what he is afraid of is the Ditch Riders and they are on-call 24/7, but the reality is that Friday-Sunday you can find someone if you know where to call, but staff is not as available. He said management is going to have to stress to the Ditch Riders that they work 24/7 and the irrigators want water when they want water. Director Romero said when this work schedule was considered, it was mentioned that staff would go back to regular hours after the winter work schedule. She said that 6:00 am is early, because it's still dark and if they are coming in at 4:00 pm the day before and preparing for the next day, then there is a waste of time. She said it doesn't get light until 7:00 am and she thinks that 6:00 am is too early for a start time.

Chairman Lente said he trusts that Mr. Hamman will make any adjustments necessary to make sure staff is running as efficiently as possible and Mr. Hamman said what this boils down to is good quality supervision, and that is what will be done.

- d. Report – Rio Grande Compact Commission Meeting and Tour – March 31-April 1, 2016 – Alamosa, CO to Chama, NM

Mr. Hamman said the Compact Commission will be meeting Alamosa, Colorado this year and he gave a brief review of the meeting schedule. He said this year, because of the location, there is an option of extending the trip and taking a tour of the San Juan Chama and El Vado. Director Dunning said she has heard a lot of wonderful things about the Alamosa Irrigation District and asked at some point if the Board might set up a meeting with them to discuss how they do things, etc. and Mr. Hamman said he would check into that. Director Oglesby had several suggestions for those going to the meeting.

- e. Report – Update on the Corrales Siphon Project

Mr. Hamman said this project has taken a lot of thought to alter a river and one can never be certain as to what is going to happen. He said the MRGCD has consulted with all of the experts available, as they await the final report from HDR Engineering, with hydrology folks, river mechanics and the experts at Reclamation and came up with a pretty good game plan to protect the Corrales Siphon. Mr. Hamman showed photos and explained the current situation and the infrastructure. He said a plan has been devised and he said the Board was shown that paper plan at the last Board meeting and he went on to explain in detail how they were implementing this plan. He said the next phase, hopefully completed by next Wednesday, is placing the rock lining along the bank to protect from erosion. He said this project is a multi-agency project and has gone very well and the cost could have been well over a \$500,000, however, the net cost is approximately less than \$80,000 with the generosity of AMAFCA and Reclamation. He said he would also like to commend Ray Gomez, MRGCD Assistant Engineer for being the project lead and the other entity project participants. Mr. Hamman said when Reclamation pulls out on Wednesday, the MRGCD will go in and re-shape the area, do some plantings and possibly a guard or a fence. Discussion followed on the longevity of the siphon and the project long term.

Director Oglesby said he would like to speak to a bigger issue in the river and he said he knows the Corps of Engineers has kind of checked out of this saying the effects of Cochiti are just part of the environmental baseline and one thing he thinks is not being addressed in a serious manner with this river is the decision. He thinks it's going to cause the MRGCD even more ESA problems, it's going to kill the Bosque and he doesn't want to get all those phone calls. He raises this because it presents an interesting opportunity to do good and have control in this section of river and maybe it was a little premature because it should be done on a comprehensive basis starting top down. He said he wants to be vocal about how this is one important aspect of river management that everyone has turned

their backs on. He said he knows it is expensive and tough, but way more productive than the end game approaches the MRGCD has been taking for the last 12-15 years.

f. Report – Update on El Vado Corrective Action Study

Mr. Hamman said he has been in contact periodically with the Corrective Action Team and they are getting closer to a final decision on the El Vado spillway corrective action process. He said they have come to a decision to fully analyze option one which is to keep the spillway in its current configuration with a brand new gate and concrete lining, removal of all of the foundation material underneath and a concrete structure on top of that, and an earthen dike to prevent over-topping of the dike itself. He said this is the preferred alternative and to date there is a cost of \$2.3 million on the analysis and looking at another \$1 million associated with static failure mode of the base plate and button and he went on to describe that issue. He said the range of cost for just the corrective action and the spillway is \$16-43 million and will most probably be about \$26 million with a 20% oversight and about \$2.7 million for (*unintelligible*). Mr. Hamman said he pressed them on timelines and decisions and it was said the final project decisions hinged on determining (*unintelligible*). Mr. Hamman said it is his understanding that there are \$500 million worth of projects ahead of this on the dam safety and the chances of this project, construction wise, is closer to 2020 than 2018. Director Kelly said at the last report the hydrology report was under peer review on the technical team and has that been finalized yet? Mr. Hamman said it is coming and is expected probably by July. Director Kelly said he would like to note for the record that the Bureau has used some risk based assessments instead of the State standard of the probable maximum flood has cut the cost of this project in half and it has also reduced the inflow design flood by an order of magnitude from some of the earlier numbers that were very unrealistic. He said the technical issue of using risk based assessments in dam rehab is huge for, not just for NM dam owners, but across the southwest.

g. Consideration/Approval Resolution M-03-14-16-141 WaterSMART Grande Applications Drought Contingency Planning & Resolution M-03-14-16-142 Installation of a Socorro Main Canal South Distribution Hub

Mr. Hamman said consultant Katie Babuska, MRGCD Grant Consultant will be putting this package together and submitting for possible funding and these resolutions are part of the requirements for that package. He went on to give background and criteria of both project applications which includes an MRGCD contingency plan and possible cost share and funding that might be realized. Questions and discussion followed.

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT

REGARDING THE SUBMISSION OF AN APPLICATION TO THE US BUREAU OF RECLAMATION WATERSMART PROGRAM for DROUGHT CONTINGENCY PLANNING

M-03-14-16-141

WHEREAS, the Middle Rio Grande Conservancy District (MRGCD) currently delivers water to 11,000 irrigators on approximately 70,000 acres for a broad constituency that includes the six Middle Rio Grande Pueblos; and

WHEREAS, water shortages from long-term and persistent drought have created intense challenges for the MRGCD to balance competing water management interests that include the riparian demands along 150 miles of the Rio Grande, annual Rio Grande Compact delivery requirements, and the needs of environmental and endangered species; and

WHEREAS, the U.S. Bureau of Reclamation (Reclamation) has made available funds through its WaterSMART grant program for the purpose of supporting Drought Contingency Planning through collaborative planning efforts that use a proactive approach to build long-term resilience to drought and the impacts of climate change to water supplies; and

WHEREAS, the Middle Rio Grande Conservancy District (MRGCD) does hereby commit to cost share and being a local sponsor for development of a Drought Contingency Plan if the MRGCD is awarded a grant. This includes the cost share of up to \$200,000 in cash and/or in-kind services that the Board of Directors will accordingly budget for in the District's FY17 and FY18 operating budgets; and


WHEREAS, the MRGCD will be the lead agency under this grant in developing partnerships with other state, local and tribal entities within the mid-Rio Grande Region for drought contingency planning; and

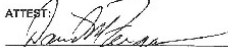
WHEREAS, the MRGCD will work with Reclamation to meet established deadlines for entering into a cooperative financial agreement and completing the work schedule within the designated timeframe from the date of award; and

WHEREAS, the WaterSMART grant procedures requires a resolution of the governing body authorizing the submission of an application to Reclamation.

NOW THEREFORE, BE IT RESOLVED that the MRGCD Board of Directors does hereby authorize the CEO/Chief Engineer to submit an application to the U.S. Bureau of Reclamation requesting consideration for a grant for the development of a Drought Contingency Plan.

DATED AND RESOLVED this 14th day of March 2016.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Derrick J. Lentz, Chairman

ATTEST:

David Ferguson, Secretary/Treasurer

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT

AUTHORIZING APPLICATION FOR A WATERSMART GRANT THROUGH THE U.S. BUREAU OF RECLAMATION FOR THE INSTALLATION OF A SOCORRO MAIN CANAL SOUTH DISTRIBUTION HUB

M-03-14-16-142

WHEREAS, the reliability of water supply is essential to all water users within the Middle Rio Grande Conservancy District (MRGCD); and

WHEREAS, the MRGCD relies on the Rio Grande to meet customer demand, including 70,000 acres of irrigated agriculture within four counties and six Indian Pueblos, as well as operations required to meet the MRG ESA Biological Opinion; and

WHEREAS, the District desires to increase system efficiency and optimize its practices; and

WHEREAS, the U.S. Bureau of Reclamation (Reclamation) has made available funds through its WaterSMART grant program for the purpose of supporting Drought Resiliency Projects that seek to increase the reliability of water supplies through infrastructure improvements, improve water management through decision support tools, modeling and measurement, facilitate the sale, transfer or exchange of water, and/or provide protection for fish, wildlife and the environment; and

WHEREAS, the MRGCD has prioritized the installation of a Socorro Main Canal South Distribution Hub water measurement device to enable precise rate of flow regulation for all lands south of the project as well as increase discharge of water to the Rio Grande to improve habitat for endangered species protection; and

WHEREAS, the MRGCD does hereby commit to being a cost share and local sponsor of the Drought Resiliency Project if the MRGCD is awarded a grant. This includes the cost-share of up to \$300,000 in cash and/or in-kind services that the Board of Directors will accordingly budget for in the District's FY17 and FY18 operating budgets; and

WHEREAS, the MRGCD will work with Reclamation to meet established deadlines for entering into a cooperative financial agreement and completing the work schedule within the designated timeframe from the date of award; and

WHEREAS, the WaterSMART grant procedures requires a resolution of the governing body authorizing the submission of an application to Reclamation.

NOW THEREFORE, BE IT RESOLVED that the MRGCD Board of Directors does hereby authorize the CEO/Chief Engineer to submit an application to the U.S. Bureau of Reclamation requesting consideration for a Drought Resiliency Project grant to fund the Socorro Main Canal South Distribution Hub.

DATED AND RESOLVED this 14th day of March 2016.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Derrick J. Lentz, Chairman

ATTEST:

David Ferguson, Secretary/Treasurer

Director Kelly made the **MOTION TO APPROVE M-03-14-16-141 REGARDING THE SUBMISSION OF AN APPLICATION TO THE US BUREAU OF RECLAMATION WATERSMART PROGRAM for DROUGHT CONTINGENCY PLANNING.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

Director Kelly made the **MOTION TO APPROVE M-03-14-16-142 AUTHORIZING APPLICATION FOR A WATERSMART GRANT THROUGH THE U.S. BUREAU OF RECLAMATION FOR THE DESIGN AND INSTALLATION OF A SOCORRO MAIN CANAL SOUTH DISTRIBUTION HUB.** Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

- h. Approved Licenses for February 2016 (For Informational Purposes Only)
- i. Status Report from Public Information Officer – Tom Thorpe, MRGCD PIO

Mr. Thorpe said a news release was routed regarding the opening of the irrigation season and discussion was had shortly thereafter that the news release might want to be revised for next year to inform people that irrigation season actually begins about March 20th and he went on to give points of that discussion. Director Sichler said he doesn't agree with the March 20th date at all; the ditches are running, the MRGCD is working 4-10;s and so the ditches are running Monday-Thursday and he is waiting on Friday-Sunday for water. He said irrigation season begins on March 1st and the quicker the ditches are running the better and the irrigators need the water and he is adamant about that. Director Sichler said he has constituents calling him about the statement on the website wondering about people not supposed to water until the middle of the month. He said the website needs to read that irrigation season begins March 1st; water may not be available in your area before ditches are run and irrigators needs to check with their Ditch Rider and schedule the water before they begin watering and this is how it works in the MRGCD world. Director Kelly said one of the reasons for this big announcement goes back to the Ditch & Water Safety Task Force wanting to let the world know that there is water in the ditches and to watch your kids and trying to put this off for two weeks is not

consistent with the safety message. He said there is water in the ditch on March 1st and constituents need to know this. Director Sichler said the MRGCD shouldn't be putting the message out that no one can water until the middle of March and Director Duggins agreed. Discussion followed on getting the system ready to go and scheduling of the water. Mr. Thorpe said he would place a consistent message on the website.

Mr. Thorpe said he had a meeting with John Thompson, MRGCD Lobbyist regarding meetings with some of the Acequia associations and he went on to give some ideas & discussion items on those meetings. He said there was also discussion of having meetings for lawmakers and bringing them into the MRGCD, with possible tours, and let them know exactly what the MRGCD does and is involved with. He described how this might be accomplished with the number of lawmakers involved. Director Dunning said they might want to consider the upcoming elections before scheduling these meetings and Director Oglesby suggested the meetings might be held in other counties as well. Director Kelly said the face of the MRGCD needs to be Mr. Hamman, his staff, his contract support and the MRGCD Board and to be careful with these meetings with the lawmakers. Director Sichler said the Farm Bureau does something similar and perhaps we should follow their format. Mr. Thorpe said this is just in the planning stages and he and Mr. Thompson will request input from all.

Mr. Thorpe informed the Board that he is beginning the planning of Celebrate the Valley and the Board gave a review of the 2015 project, their input on possibilities for this year's celebration and a suggested date.

Director Oglesby said he would like to see Mr. Thorpe continue his focus on emphasizing the work in the different divisions of the MRGCD and take each region and highlight the projects being done in that area.

j. MRGCD Board Meeting – April 11, 2016

Chairman Lente said because he, two directors and Mr. Hamman will be traveling to NWRA in Washington, DC and does the Board want to keep the meeting date scheduled or to cancel it. Mr. Hamman said if the meeting were to be cancelled, he felt any business or approval items could wait until the next meeting in Sandoval County on April 28th. Director Oglesby suggested the Board wait to make the final decision until the meeting of March 28th. Director Kelly said that two thirds of the MRGCD Finance Committee would still be available on the 11th should there be a need for the Finance Committee to meeting moving toward the budget. Director Sichler said if there was a need for an earlier meeting of the Finance Committee, he would make himself available and Director Romero concurred.

AGENDA ITEM NO. 11 – REPORT(S) FROM THE ATTORNEY (Chief Water Counsel and/or General Counsel)

a. Update on Rio Grande Silvery Minnow Related Issues – Patrick Redmond, MRGCD Water Counsel

Patrick Redmond said as Ms. Faler of Reclamation reported earlier, the consultation of the Biological Opinion (BO) is continuing and they are anticipating a possible draft in June and he will keep the Board apprised of the issues of the draft BO as he gets it. Mr. Redmond said other related Silvery Minnow issues would be the December Population Monitoring Workshop in which a draft report was issued by an expert panel at was published at the beginning of February. He said there were some interesting comments submitted and Dr. Bill Pine was instrumental in assisting with compiling these comments and those were submitted to the Work Group that organized the workshop and the expert panel is expected to respond to these comments sometime late March or early April. Mr. Redmond said last Tuesday, March 8th, the Fish & Wildlife Service issued a proposed new habitat mitigation policy because their prior policy did not apply to ESA and now they have chosen to allow this policy to be applied to ESA which could have some interesting ramifications for proposed conservation measure in the ESA consultation, but it is still too early to say. He said his firm is taking a closer look at the policy and the comment period for this proposed documents ends in

May and if it gets extended, unless the consultation takes a lot longer than they hope it does, it would probably not apply to the current consultation.

AGENDA ITEM NO. 12 – REPORT(S) FROM THE BOARD

a. Report – El Aqua es Sagrada Day – February 11, 2016 – Chairman Lente

Chairman Lente said he was invited to speak on this day at the Legislature and he originally thought it was because he was a minority or a young farmer and it turns out that when he goes to the celebration, it was because of his Board position at the MRGCD. He said he did speak to the group about being a young, minority farmer in the valley. He said Mr. Hamman and others participated and the celebration highlighted the fact that Mr. Hamman was the new CEO and applauded and recognized the work and the improvement of the MRGCD over the past several years as an organization. He said he did speak to the importance of agriculture, however, he did focus on the protection for future generations and there was recognition of the MRGCD.

Chairman Lente said he did not want to receive per diem for attendance at this celebration.

b. Report – Family Farm Alliance – February 18-19, 2016 – Chairman Lente

Chairman Lente said he attended the conference in Las Vegas, Nevada and Mr. Hamman attended as well. He said he has gone to this particular conference since the late 90's from the perspective that the Family Farm Alliance is a grass roots organization of family farms and farmers. He said this group lobbies Congress and speaks to the important issues and has a western states focus. He said it gives him a sense of what else is going on across the county and helps him better focus and realize that other people across the country are dealing with similar issues as with the MRGCD and it exposes different approaches to different problems. Chairman Lente said there were discussions on forest thinning and how that might help to improve water collection downstream and those things help to clarify and justify the work the MRGCD is doing. He said he would like to encourage other Board members to attend their conferences in the future and they are a good group to belong to. Mr. Hamman said the purpose of the Family Farm Alliance is to get the serious issues of the farmers out, to lobby with various organizations and they are a very efficient organization with a small staff and carry a large stick.

Director Sichler said he thinks this is a very good organization and actually think this may be a better vehicle to accomplish what the MRGCD is trying to do rather than belonging and attending NWRA, which is a nationwide, broader focused organization, and he feels the MRGCD should continue this relationship.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY CHAIRMAN LENTE ON ATTENDANCE AT THE FAMILY FARM ALLIANCE CONFERENCE FEBRUARY 18-19, 2016.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 13 – EXECUTIVE SESSION

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

Chairman Lente requested a motion to move into Executive Session.

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

Chairman Lente requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Chairman Lente adjourned the meeting at 6:05 pm.

Chairman Lente reconvened the meeting at 6:20 pm.

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

Chairman Lente requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Chairman Lente said discussion was had and there were no decisions made.

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

The meeting was adjourned at 6:22 pm.

Approved to be the correct Minutes of the Board of Directors of March 14, 2016.

Attested:

David M. Ferguson
Secretary/Treasurer

Derrick J. Lente, Chairman
MRGCD Board of Directors