

**MINUTES OF THE
TWO THOUSAND NINETY FIRST REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
June 27, 2016**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 3:03 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 Absent
John P. Kelly	Director
Chris Sichler	Director
Beverly Romero	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Patrick Redmond	Chief Water Counsel
Lorna Wiggins & Patty Williams	General Legal Counsel
David Fergeson	Secretary-Treasurer
Jeanette Bustamante	Administrative Officer
Mary D'Ornellas	HR Director
Ray Gomez	Engineer Supervisor
David Gensler	Hydrologist
Tom Thorpe	Public Information Officer
Joe Brem	Albuquerque Division Manager
Sloan Washburn	Belen Division Manager
Yasmeen Najmi	MRGCD Planner

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

John Thompson, MRGCD Lobbyist Harvey Crowley, Mesa Verde Farms Jeff Hoehn, Executive Director-Carrie Tingley Hospital Foundation Adam Triolo, Board Member-Carrie Tingley Hospital Foundation Phil Prevender, Board Member-Carrie Tingley Hospital Foundation	Michael Hayes, Quiet Water Paddling Mike Gadler Paula Sichler, Snake Ranch LLC Jennifer Faler, USBOR Pat McCraw, South Valley Ink Jeff Willis, AMAFCA
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AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente requested that Director Romero 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. Mr. Hamman requested to add an agenda item 9g regarding an announcement of awards to the MRGCD from Reclamation. Chairman Lente said agenda item 8b Bureau of Indian Affairs will be deleted.

Director Romero made the **MOTION TO APPROVE THE JUNE 27, 2016 AGENDA AS REVISED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – THANK YOU FROM CARRIE TINGLEY HOSPITAL FOUNDATION – IT’S ALL ABOUT THE KIDS – Jeff Hoehn, Executive Director, Adam Triolo & Phil Prevender Board Members – Carrie Tingley Hospital Foundation

Mr. Hoehn said he wanted to share briefly what it is their foundation does in New Mexico. He said the foundation is fifty two years old this year and they work on behalf of children with disabilities in NM. He said each year the foundation raises approximately a quarter of a million dollars for the Carrie Tingley Hospital for the latest and greatest of equipment and to make sure the kids have the best possible care. Mr. Hoehn said secondly they fund the family assistance program to help families in their homes and communities in NM with costs that insurance doesn't provide and the third area is the sports and recreation program for children with disabilities. Mr. Prevender said the foundation would like to present a plaque to the MRGCD and went on to describe the MUDD Volleyball fundraiser and participants. He said the MRGCD has supported this fundraiser for many years and they wanted to give their thanks on behalf of the foundation. Mr. Triolo said MRGCD staff did a great job this year with the site and the water delivery and he he would like to present a thank you letter to Mr. Hamman. Director Kelly asked about the possibility of a permanent location for the event and Mr. Prevender gave some background on their search.

AGENDA ITEM NO. 4 – ELECTION OF BOARD CHAIR & VICE CHAIR – REORGANIZATION OF THE BOARD Patty Williams, MRGCD General Counsel – Wiggins, William & Wiggins

Ms. Williams said that Ms. Wiggins was teaching a class and would arrive late to the meeting and she will be sitting in for Ms. Wiggins until she arrives. Ms. Williams said at the June 13th Board meeting the election for the Board Chair & Vice Chair positions was on the agenda for election. She said the nominations for the Board Chair position was conducted, the vote resulted in a tie and the Chair position continued as status quo to be held by Chairman Lente until a successor is elected.

Ms. Williams said nominations are now open for Board Chairman. Director Oglesby said he would like to nominate the current Chair – Chairman Lente. Director Duggins said he would like to nominate Director Sichler. Ms. Williams called for other nominations, there were none and she closed the nominations and said they would proceed to the election. She called for those in favor of Chairman Lente to raise their hands. Chairman Lente, Directors Oglesby and Kelly raised their hands. Ms. Williams called for those in favor of Director Sichler and Directors Duggins, Sichler and Romero raised their hands. Ms. Williams then declared the election as a three three tie and she said the status quo would remain until the tie is broken.

Ms. Williams said the election for Vice Chair will be held over as well and Director Sichler said he wants to continue with the election and he nominated Director Duggins. Ms. Williams asked Director Duggins if he accepts the nomination and Director Duggins said he does. Chairman Lente said that Ms. Williams was beginning a statement that the Board was not allowed to do something and she was interrupted. She said she did not look at the by-laws, but noticed that at the last meeting the Board did not have the Vice Chair election because it seemed to hinge on the Chairman election and she asked if someone had a copy of those by-laws. Ms. Williams asked if she could look at those before they continue on whether the Board can elect the Vice Chair without a Chairman being elected first. Ms. Williams asked for suspension of this portion of the meeting until she can investigate the by-laws and the Board was in consensus.

AGENDA ITEM NO. 5 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES

a. Consideration/Approval of Payment Ratification – June 27, 2016

Chairman Lente called for approval of the June 27, 2016 Payment Ratification. Director Kelly said he noticed that two staff members attended the Tamarisk Coalition Workshop and could they make a report to the Board. Director Oglesby said he made a presentation at that workshop and he would happy to give the Board a presentation on the subject at the next Board meeting.

Director Kelly made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF JUNE 27, 2016 AS PRESENTED.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration/Approval of May 2016 Invoice for Wiggins, Williams & Wiggins

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

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

- c. Consideration/Approval of May 2016 Invoice for Law & Resource Planning Associates

Chairman Lente called for approval of the May 2016 Invoice for Law & Resource Planning Associates.

Director Sichler made the **MOTION TO APPROVE THE MAY 2016 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES AS PRESENTED.** Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 6 – APPROVAL OF THE MINUTES

- a. Consideration/Approval of Minutes for Regular Board Meeting – June 13, 2016

Chairman Lente called for approval of the minutes for the Regular Board Meeting June 13, 2016. Director Kelly and Patrick Redmond had revisions.

Director Kelly made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING JUNE 13, 2016 AS AMENDED.** Director Romero seconded the motion. Chairman Lente abstained. The **MOTION CARRIED.**

AGENDA ITEM NO. 7 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Mike Gadler said at the last meeting the Board was considering a resolution to act as a pass through agency. He said the MRGCD is a highly qualified engineering agency and very capable of managing and building the ditch system. He said when the MRGCD goes to passing through funding, are they taking into consideration the possible liabilities and will they be responsible for the contractor and loss of life, a contractor that does something criminal or illegal and negligence. Mr. Gadler said he would like these questions answered. Director Kelly said that Mr. Gadler brings up some good points and the MRGCD attorneys are in the process of researching comments the Board had to the resolution. He said in his practice of contracting for flood control projects, there are lots of protections built into contracting for design services and he went on to give additional information. He said he is certain that MRGCD attorneys and staff will protect the MRGCD such that using the MRGCD as a fiscal agent to improve the efficiency of the system and its infrastructure and that is the goal. He said if that makes the MRGCD be a conduit of State money to get some projects done, they will jump in with eyes wide open. Mr. Gadler said he hopes that Director Kelly is accurate and the insurance will cover everything and the ratepayers will never be called on to cover a dime in the event something happens. Director Sichler said he would feel better if the MRGCD attorney could comment on Mr. Gadler's concerns. Ms. Williams said her firm is happy to do that and the MRGCD is a creature of statute, created and protected by State law and there are many different scenarios. She said Mr. Gadler spoke of three different kinds of liability; criminal, negligent and intentional contractor problems. She said she can't speak to particular instances, but there are statutes that control each and no one can be protected against being sued; anyone can sue for anything, but there are great protections in the NM State statutes. Mr. Gadler said the MRGCD is taking on additional liability by doing this pass through and Ms. Williams said not necessarily and it depends on how the contracts are written and how it is addressed in the State statutes.

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

a. Bureau of Reclamation – Jennifer Faler, Area Manager

The following summary report was received electronically from the Bureau of Reclamation.

1. Heron Summary

Content = 137,190 ac-ft. (06/23)
 Azotea Tunnel: 300-350 cfs
 Total SJ-C inflow year-to-date: 78,426 ac-ft.
 Currently releasing: 200 cfs
 Current MRGCD storage: 11,949 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 06/23:
96,817 ac-ft.
- B. Native in El Vado
42,713 ac-ft.
- C. MRGCD SJ-C storage in El Vado
13,407 ac-ft.
- D. MRGCD EDWA:
23,133 ac-ft.
- E. NMISC EDWA:
1,177 ac-ft.
- F. P&P:
14,195 ac-ft.
- G. All other SJ-C contractors:
2,192 ac-ft.

Current release is 100 cfs RG Inflow is 100-150 cfs

3. Storage in Abiquiu

Content = 125,108 ac-ft. (06/23)
 MRGCD SJ-C storage = 1,840 ac-ft.

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

Snowpack Data
 Melted Out

Ms. Faler said since she last spoke to the Board, Reclamation has completed tagging the water for all stakeholders; including the MRGCD. She said congratulations are in order for the MRGCD; they managed to be awarded two grants for WaterSMART Drought Contingency Planning and for a project in Socorro and having someone that can write grants has paid off. Ms. Faler said last time she reported, they were at an impasse on the Biological Opinion progress and Recovery Implementation Program (RIP) and they have since had an Executive Committee meeting and she thinks they are working their way through the issues and there is a meeting with Dr. Tuggle, Regional Director of the Fish & Wildlife Service tomorrow for further discussion. She said Reclamation is also meeting this week with the Isleta Tribal Counsel to put forth a couple of offers on the Isleta Dam

issue; a short term agreement and a much longer term agreement and hopefully they will be much closer to resolving this issue. Ms. Faler said Reclamation has a job on the street for a Water Rights Acquisitions Specialist and she went on to give a brief job description and said right now this person would concentrate on the feasibility study and water for the minnow. Director Kelly asked about the qualifications for this position and Ms. Faler responded.

b. Bureau of Indian Affairs

The Bureau of Indian Affairs was not available to make a report for this meeting.

Ms. Wiggins, MRGCD General Counsel, Wiggins, Williams & Wiggins joined the meeting and Chairman Lente said the Board would re-visit agenda item 4.

AGENDA ITEM NO. 4 – ELECTION OF BOARD CHAIR & VICE CHAIR – REORGANIZATION OF THE BOARD Lorna Wiggins, MRGCD General Counsel – Wiggins, William & Wiggins

Chairman Lente reported to Ms. Wiggins that the Board was in the process of electing a Chair and it came to a tie and they weren't sure if the Board should/could proceed with the election of a Vice Chair and would she advise the Board. Ms. Wiggins said she was not aware of anything with Board policy concerning this issue. She said this has never been an issue that they have actually had to look at to see if there is an answer. Ms. Wiggins said typically the response would be if a person is running for Vice Chair and elected to that position, that would take that person out of the running for the Chair position and it makes more sense to fill the Chair position before the Vice Chair. Director Sichler said he recalls the first time he sat on this Board, there was a tie and the Board had to wait for two weeks to fill the Chair position, but they filled the Vice Chair position at that same meeting. He said he would like to point out the election of Board Chair and Vice Chair is posted on today's meeting agenda and he said he wants to go forward. Ms. Wiggins said if this is the position that the Board's majority wants to take, and Director Sichler said point of order, it is on the agenda; it says election of Vice Chair. Ms. Wiggins then received information from staff on the subject and asked for a few minutes to review.

Chairman Lente said that while Ms. Wiggins is reviewing the document, he would like to say that sitting as a Chair for the past three years, he is speaking from personal experience, and as a Chairperson it feels better if the entire Board votes. He said with Director Dunning being absent, he would feel badly that she didn't vote and they will come to another three three split and he feels if someone is absent, they should wait and have the full Board vote on either the Chairman or the Vice Chairman just because that person wants the support and the acknowledgement of the entire Board to move forward. He said this is his personal comment and from his perspective.

Ms. Wiggins said the section that is relevant to this issue is on page eight of the MRGCD Governance Handbook and she read that it provides "upon taking the oath, the Board shall 1) choose one of their members to be Chair of the Board and President of the District and 2) choose one of their members to be Vice Chair of the Board and Secretary and they shall do that at the first meeting in June every year". She said it is silent as to the specific question that is being asked and she believes that the Board, by majority vote, can elect to do whatever, in its discretion, it wants to do. Chairman Lente asked the pleasure of the Board; they have already discussed the Chairmanship, it was a tie and do they move forward on the Vice Chair. Director Sichler said it is on the agenda and it will take a motion to table the election for Vice Chair. Director Kelly made the **MOTION TO TABLE THE ELECTION OF VICE CHAIR**. Director Oglesby seconded the motion and the Recording Secretary asked for a roll call vote:

Director Duggins	No	Director Dunning	Absent
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Yes	Director Sichler	No
Director Romero	No		

The **MOTION TIED**.

Paula Sichler, a member of the audience, said she had a Point of Order, and said there was already a motion on the floor before they even took this one. Ms. Wiggins said if there was a pending motion, it happened before she joined the meeting. Director Sichler said he had nominated Director Duggins for the position of Vice Chair. Ms. Wiggins asked if there was a second, did it fail for a lack of a second or was there a second. Director Kelly said there was no second needed; it was a nomination and he doesn't think they are out of order because that was the portion of the meeting that was being run by Ms. Williams in the role as General Counsel and when the Board goes back into that role, if the motion is there, he thinks they would have another motion due. He asked if it is appropriate that Ms. Wiggins takes over the meeting in her role as General Counsel and Ms. Wiggins stepped into the role as General Counsel.

Ms. Wiggins said she would now accept nominations for the position of Vice Chair. She said there has been one nomination and, for the record, does Director Duggins accept that nomination and he responded yes. She asked if there were other nominations for the position of Vice Chair and Director Kelly said he would like to nominate Director Oglesby to remain as Vice Chair. Ms. Wiggins asked for further nominations, there were none and she said that nominations are closed. She asked for those in favor of Director Duggins to say aye or raise their hands – Director Sichler said aye, Directors Duggins and Romero raised their hands. Ms. Wiggins asked for those in favor of Director Oglesby to raise their hands and Chairman Lente, Directors Oglesby and Kelly raised their hands. She said this vote has resulted in a tie vote which means the status quo will continue with Director Oglesby serving as Vice Chair until his replacement is elected.

Chairman Lente said the Board will now return to the agenda as approved.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)

a. Water Report – David Gensler, MRGCD Hydrologist

Mr. Gensler said there is not a lot to report. He said as Ms. Faler mentioned, storage has all been allocated and finalized and all is ok for the MRGCD. He said the MRGCD is currently sitting on approximately 81,000 ac-ft. of water at Abiquiu plus about 12,000 ac-ft. of San Juan stored at Heron; giving a total of approximately 93,000 ac-ft. and hopefully there will be another 2,000 ac-ft. from San Juan Chama. He said the El Vado Resolution operation is now complete and all water has been released and the river is back to natural flow. Mr. Gensler said that currently this is making for a release of about 1,500 cfs at Cochiti Reservoir; which is still pretty good for late June. He said he thinks there may be 1,300 released tomorrow and he believes Reclamation has started a 100 cfs minnow release from Abiquiu today. He said they are setting the stage for river recession and a ramp down and he said there may be a first drying around the 4th of July; unless there is rain. Mr. Gensler said the MRGCD will begin releasing from storage maybe later this week. Mr. Gensler said diversions at Cochiti are 535, 115 at Angostura, 475 at Isleta Dam and San Acacia is diverting about 80 cfs.

Director Oglesby asked about the numbers today and Mr. Gensler said there is 1,400 cfs coming out today and is going to 1,300 cfs tomorrow and without that release it would be 1,200 cfs. He said unofficially there is a demand of 950 cfs for MRGCD needs which leaves an extra 350 for the fish which is not quite enough to maintain the flow required. Director Sichler asked about Water Bank curtailments and how does it look and Mr. Gensler responded the flows are still above curtailment, but getting close. Director Kelly asked about the Heron storage in the Water Bank equation and Mr. Gensler responded.

b. Update on Pending Resolution M-06-13-16-143 Policy on Serving as Fiscal Agent on the Acceptance of State of New Mexico Capital Outlay for Use by Non-Governmental Entities & M-06-27-16-144 Fee Structure for Licenses for Access & Services – Mike Hamman, MRGCD CEO/CE

Mr. Hamman said he received a call from the NM Department of Finance Administration (DFA) and the conversation was regarding the current contract for the MRGCD and it raised questions regarding the structure of the initial resolution which included some fiscal agent criteria including the

ability to utilize a portion of the capital outlay funds; specifically for administrative fees which they are researching. He said the DFA urged the MRGCD to follow Bernalillo County's fiscal resolution which the MRGCD has done and is doing. Director Kelly said that Mr. Gadler, during Items from the Floor, had several questions on assumed liability when acting as a fiscal agent and he said that Ms. Williams took notes on those questions to research and could Mr. Wiggins follow through on those questions and Ms. Wiggins said she would.

Mr. Hamman said the second resolution is a fee structure for various services and there have been additional areas added to the original resolution. This resolution is being revised and he will have a more complete list to present to Board for consideration at the next meeting.

Director Oglesby said he wanted to take a minute and thank Mr. Hamman and Ray Gomez, Engineer Supervisor on behalf of the Board for meeting this past week with Michael Hayes of White Water Paddling and giving him access to the river.

c. Update on El Vado Dam Corrective Action Study – Mike Hamman, MRGCD CEO/CE

Mr. Hamman said the Bureau of Reclamation continues to work on finalizing essentially two parts of the whole process 1) replacement of the spillway or come up with a good alternative which would be the same spillway with a modified entrance and the same kind of profile which would be replaced with some kind of concrete structure all the way down to the existing foundation and 2) the new drilling proposal associated with some further site investigations to complete their analysis of the type of foundation materials from some of the barrow pit areas to build the dike, on top of the emergency spillway, and some geotechnical drilling around the spillway area to confirm the foundational characteristics. Mr. Hamman said there will also be additional analysis of the rock structure itself that supports the upstream steel plate and they are also investigating the extent of the slippage of one of the slide areas. He said this is an ongoing effort and have informed the MRGCD they can't begin work on one feature without completing analysis of the other feature and they will package that together in one complete project. Director Kelly asked questions about the rock filled dam and discussion followed.

d. Update on FY17 Budget Approval – David Fergeson, MRGCD Secretary/Treasurer

Mr. Fergeson reported that he wanted to inform the Board that he received the contingent budget approval and it does require that, by the end of next month, the 4th quarter financial report and resolution be completed for final approval and certification. He said his plan and goal is to get that done for the July 11th meeting pending a meeting of the MRGCD Finance Committee prior to the Board meeting.

e. Discussion on Concepts for Ditch Identification Signage – Yasmeen Najmi, MRGCD Planner

Ms. Najmi said she has been working with Director Kelly on signage for MRGCD ditches. She said there are currently MRGCD signs in Bernalillo County, however, she is not aware of MRGCD signage in the other counties. Ms. Najmi then presented her suggested options for signage with graphics that are reflective of the ditches and valley. She said the current posted signs are placed up fairly high to try and avoid vandalism and because of that, the signs need to be kept simple to make them visible. Ms. Najmi said Director Kelly asked her to do a sign that has a shortened version of the MRGCD mission statement and she thought it might be useful for people walking on the ditches to know where they are when they come to an intersection. She said several years ago, the Board had a lot of conversation about signage and what the issues were and what they wanted to accomplish with the signage and she showed an example of what she did during this time frame. Ms. Najmi proposed what could be done within the current budget. Discussion followed with questions from the Board, suggestions on what could/should be included on the signs, uniform signage and future budgeting.

f. Status Report from Public Information Officer – Tom Thorpe, MRGCD PIO

Mr. Thorpe said at Mr. Hamman's request, he, Mr. Hamman and David Gensler had a meeting with Ollie Reed of the Albuquerque Journal to explain the current situation of high water in the river and explain to Mr. Reed various aspects of the river, minnow issues, and gave him an update on the Corrales Siphon along with a tour of the site. He said he spoke with Mr. Reed this morning and a time for the article(s) has not yet been scheduled and he will keep Mr. Thorpe apprised of the article.

Mr. Thorpe said the Celebrate the Valley has morphed into an event that will be sponsored together with Bernalillo County and the Hispanic Cultural Center and has been rebranded as the Bosque Chili Festival. He went on to give some of the details of the day and said it will be held on August 20, 2016.

Mr. Thorpe said he will give a presentation to the Board next month on a new application on the website called the Notification System. He said this will be a tool for communication with constituents and constituents with the MRGCD and the Board. Mr. Thorpe said there are many elements to the application that he feels with keep the public informed of what is going on at the MRGCD. He said he is planning a mailer to distribute to the complete MRGCD with information on the system and how it can be used.

g. MRGCD Awarded WaterSMART Grants from Bureau of Reclamation – Mike Hamman, MRGCD CEO/CE

Mr. Hamman reported the applications submitted by Katie Babuska, MRGCD Grants Consultant, have been approved by Reclamation for the WaterSMART Program for Drought Contingency Planning and for the Installation of a Socorro Main Canal South Distribution Hub. He went on to give some features for each of the grants. He said the sum total is \$1 million with a 50% cost share of which a lot of it can be in-kind contributions and this will position the MRGCD to qualify for additional grant opportunities with the WaterSMART Program. Mr. Hamman said these grants are for two years and will be completed in two years. He said these grants are an opportunity to get into the pipeline for future programs. Director Kelly asked Mr. Hamman to keep the Board informed and to share information on the projects.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)

a. Update – ESA Consultation/Recovery Implementation Program (RIP) Issues – Patrick Redmond, Chief Water Counsel, Law & Resource Planning Associates

Mr. Redmond said there was a meeting with the Fish and Wildlife along with their partners the Bureau of Reclamation, the MRGCD and the Interstate Stream Commission. He said they seem to be heading into the home stretch of the consultation and expecting to see a draft Biological Opinion (BO) by mid-July which will set the parameters for ESA compliance and replace the 2003 Biological Opinion. He said after that, there will be a one or two month comment and review period before the final BO is issued. Mr. Redmond said the best indications are right now that this BO will generally follow the structure of the Biological Assessment (BA) that the BA partners submitted in August of last year. He said there was a lot of work placed into framing the BA throughout the end of 2014 to 2015. Mr. Redmond said there are still some remaining issues related to the Recovery Implementation Program (RIP). He said he reported to the Board about a month ago a marathon Executive Committee meeting of the Collaborative Program in which there were three big discussion issues. Mr. Redmond said the first issue was how the Service's oversight role over the RIP would be characterized in the BO and they agreed this is a technical legal issue and it was sent to the attorney's group. He said the attorney's had a big meeting with the Department of the Interior solicitors and he thinks they have reached some clarification on the issue. He said the other two issues related to the RIP have to do with governance and, again, these are technical and/or procedural issues that are being sorted out and they are working with Reclamation on these issues. Mr. Redmond said there is a meeting scheduled tomorrow with representatives of Fish & Wildlife

Service to advise the other participants of what their issues are and that should be sorted out within the next couple of months. He said the third issue has to do with science and how monitoring of data from multiple sources can best be integrated into the Collaborative Program and the RIP. Mr. Redmond said all the entities are looking to organize all the scientific thoughts and processes of the RIP to be used as a vehicle for moving the science forward and this progress is moving very slowly.

AGENDA ITEM NO. 11 – REPORTS FROM THE BOARD

- a. Report – MRGCD Water Protection Committee Meeting – June 27, 2016 – Chairman Lente, Directors Sichler & Oglesby

Director Oglesby said that Mr. Redmond has given the abbreviated version of their briefing given at their meeting earlier today. He said they spoke about the academic aspects of the program and how the RIP itself won't be an ESA compliance vehicle; that it will still be voluntary. Director Sichler said that when he got on the Board seven years ago, he felt the ESA issue was the biggest issue that farmers had to deal with and he still feels that way and they have come a long way and that is in a big part due to Mr. Redmond, David Gensler and now Mr. Hamman working on this issue. He said it is the MRGCD that is defending all the farmers with this issue and he said, finally, there is some progress and his hope is at some point there will be a BO and everyone will know what they have to deal with and they can deal with it. Director Kelly said it sounds like there is some real attention being given to the structure in the governance of this going forward and this is where the rubber hits the road on future conflicts and actions.

Chairman Lente said because this meeting was held the same day as a regular meeting, directors would not be receiving per diem and an approval would not be required.

- b. Consideration/Approval of Metropolitan Transportation Board Memorandum of Agreement – Director Dunning

In Director Dunning's absence, Chairman Lente read her memo regarding this agreement into the record. Director Kelly said this is more or less a procedural thing to update a 23 year old agreement and he is comfortable in making the **MOTION TO ACCEPT THE METROPOLITAN TRANSPORTATION BOARD MEMORANDUM OF AGREEMENT AS WRITTEN AND AUTHORIZE MR. HAMMAN TO INFORM MRCOG OF THE DECISION.** Director Sichler asked for input from Mr. Hamman and Mr. Hamman said he felt there were no real problems in moving forward with the agreement and it doesn't really commit the MRGCD to anything more than being part of the body of the decision making process and he would be comfortable if the Board chose to move forward. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 12 – EXECUTIVE SESSION

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

Chairman Lente requested a motion to move into Executive Session.

Director Oglesby **MADE THE MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)2).** Director Romero seconded the motion.

Chairman Lente requested a roll call vote:

Director Duggins	Yes	Director Dunning	Absent
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 4:45 pm.

Chairman Lente reconvened the meeting at 6:00 pm.

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

Chairman Lente requested a roll call vote:

Director Duggins	Yes	Director Dunning	Absent
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 no decisions were made, but to allow for Mr. Hamman to make some personnel decisions on behalf of the Board.

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

The meeting was adjourned at 6:02 pm.

Approved to be the correct Minutes of the Board of Directors of June 27, 2016.

Attested:

David M. Ferguson
Secretary/Treasurer

Derrick J. Lente, Chairman
MRGCD Board of Directors