

**MINUTES OF THE
THREE THOUSAND FOURTEENTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
AUGUST 28, 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:02 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

John P. Kelly	Chair	
Glen Duggins	Vice-Chair	
Joaquín Baca	Director	
Karen Dunning	Director	Absent
Derrick J. Lente	Director	
Beverly Romero	Director	
Valerie Moore	Director	

STAFF:

Mike A. Hamman	Chief Engineer/CEO
Charles DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
David Gensler	Water Operations Manager
Ray Gomez	Engineer Supervisor
Alicia Lopez	Engineer Technician
Jason Casuga	Engineer I
Joe Brem	Albuquerque Division Manager
Rick Altenberg	GIS/Mapping Technician
Becky Burnham	Budget Analyst
Doug Strech	GIS Supervisor
Christine Nardi	Human Resource Director

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

Jeff Willis, AMAFCA	Jerry Lovato, AMAFCA
John Thompson, MRGCD Lobbyist	Bruce Thomson, AMAFCA Board Chair
John Fleck, UNM	Gary Stansifer, OSE
Ernie Marquez, AES	Craig Hoover, Bohannon Huston
Kevin Carns, UNM	Debbie Stover, AMAFCA Director

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Kelly introduced Bruce Thomson, Chair of AMAFCA Board and Debbie Stover, AMAFCA Director; the Chairmen asked Ms. Stover if she would lead the Pledge of Allegiance.

Chairman Kelly welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Kelly called for approval of the Agenda.

Mr. Hamman added item 6h; Update on the Albuquerque West Levee - Section 593 Reimbursement

Director Lente made the **MOTION TO APPROVE THE AUGUST 28, 2017 AGENDA AS MODIFIED**. Director Duggins seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL OF THE MRGCD MEETING MINUTES

a. Consideration / Approval of Minutes for Regular Board Meeting – August 14, 2017

Chairman Kelly called for approval of the minutes for the Regular Board Meeting August 14, 2017.

Director Moore commented if it would be possible to document the changes of the minutes. Ms. Wiggins, legal counsel stated that many entities approve the minutes as modified and don't state the modification, and suggested the District could do the same. Ms. Wiggins also stated the minutes as approved are the official record. Chairman Kelly stated if it's a substantial change that alters the minutes, he suggested it would be at the discretion of Mr. Hamman.

Director Duggins stated that these minutes are just a fraction of what is being said in the discussions and would like the minutes to reflect what is being discussed. Director Duggins further stated he didn't like the minutes of 8/14/2017, and there was a lot of discussion in opposition and the topic on the OMA Resolution and the minutes do not detail the discussion. Director Duggins suggested going with a court reporter, and asked if the minutes are the official record, locked down and fire proof. Ms. Wiggins responded that these are the official minutes and there is no guideline on what needs to be contained in the minutes, but action items are what should be reflected in the minutes. Director Duggins reiterated that the comments from the Directors are not documented.

- a. Chairman Kelly responded to Director Duggins, with all due respect the minutes captured the substance of the meeting, and it is a balancing act, and Mr. Hamman and Ms. Bustamante will consider everybody's opinion, and also commented that there was a motion to table that agenda item regarding Resolution BD-08-14-17-38.12 Open Meetings Act Resolution Revised, and it passed unanimously. Director Duggins stated he wants what he said documented.

Chairman Kelly, asked Dr. DuMars to provide an interpretation of line 261 of the 08-14-2017 Board minutes. Dr. DuMars provided a brief synopsis of the Rio Grande Compact and how it applies to the deliveries to Elephant Butte now that Otowi Gage passed the million acre feet mark for total annual flows. Dr. DuMars modified the minutes to read as follows: "*We passed the million ac. ft. mark at Otowi gage for the year, which means that 100 percent of the water passing Otowi gage that is required to be delivered to Elephant Butte must be delivered, and the deficit is going to continue to climb as we move through the year*".

Director Baca made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING AUGUST 14, 2017 AS MODIFIED**. Director Lente seconded the motion. The **MOTION CARRIED**, Chairman Kelly and Director Romero abstained, and Director Duggins opposed. Chairman Kelly stated the meeting minutes were approved with a 3-1 vote.

Below is an excerpt of the Open Meetings Act Compliance Guide.

OMA III. Section 10-15-1(G) Minutes.

- (a) the date, time and place of the meeting;*
- (b) the names of all members of the public body in attendance and a list of those members absent;*
- (c) a statement of what proposals were considered; and*
- (d) a record of any decision made by the public body and of how each member voted*

This means that minutes must contain a description of the subject of all discussions had by the body, even if no action is taken or considered. The description may be a concise, but accurate, statement of the subject matter discussed and does not have to be a verbatim account of who said what.

AGENDA ITEM NO. 4 – 2017 MRGCD ELECTION EXIT REPORT – ERNIE MARQUEZ, ELECTION DIRECTOR, AUTOMATED ELECTION SERVICES

Mr. Ernie Marquez, MRGCD Election Director provided the following 2017 Election Exit Report. He advised the Board this exit report was delayed because of the recount, and also went into detail that candidates also had the opportunity to challenge the election and delayed the exit till after the deadlines.

A candidate met with Mr. Marquez and informed him that he felt there were not enough polling locations in Sandoval County and said the District was disenfranchising the voters. Mr. Marquez advised the Board that the polling locations were reviewed and decided on several months prior to the actual election, but stated this can be discussed and reviewed at a later date before the next election.

Mr. Marquez continued and advised the Board that the voter turnout was low, but that we had a good election. The poll officials were trained, but there were still some issues. Another candidate contacted Mr. Marquez and brought to his attention that an individual claimed they were not given the opportunity to vote provisionally. However, in researching the claim we were not able to find the person that made this claim. Mr. Marquez and his team went out to each of the polling locations and spoke with the poll official judges to remind them that if a person does not provide an ID or if they are not in the database, they can vote provisionally. There were a number of provisional votes and a number of them that counted this election.

Chairman Kelly thanked Mr. Marquez for his Election Exit Report.

Director Moore asked if we need more polling locations. Mr. Marquez responded the Board reviewed the polling locations for this 2017 election, and recommends that the Board looks at this again before the next election. It is always going to be difficult because smaller counties may have fewer polls and larger counties may have more. What we don't want to do is disenfranchise the voters. Mr. Marquez said he would like to participate in the discussions when the Election Committee meets.

Chairman Kelly stated that a year ago the Board reviewed and approved the polling locations in advance so they were finalized before any Board members declared their intent to run, and also suggested that they do it again before the next election.

The Chairman stated it has been a real concern on this Board spending \$300K for the elections, and the Board has put a lot of pressure on the Election Director to bring that number down. In addition to that we have to be aware that consolidated voting has come up at the legislature. Mr. Marquez stated there was some savings to the District after evaluating the polls and removing some.

Director Lente stated in regards to consolidating elections, Mr. Marquez has been our Consultant for four election cycles and because of Mr. Marquez's institutional knowledge he asked Mr. Marquez if he would be able to help the District when discussions come up at the legislature to help to find a middle ground on the election process. Mr. Marquez said he would be available.

Chairman Kelly expressed thanks to Mr. Marquez from the board and also to Ms. Bustamante for executing a well-run election, and also to Doug Strech and his staff. Mr. Marquez concurred and expressed his thanks to Ms. Bustamante, Mr. Strech and Ms. Philips they did an excellent job.

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR

There was no public comment

Director Duggins wanted to recognize and express his thanks and say how proud he is of the personnel in Socorro Division that assisted on a rescue of an individual that was in the river and was close to losing his life. He added that MRGCD personnel are always willing and ready to help out the farmers and entities at any time. Director Duggins remarked how honored he is to be part of the MRGCD organization.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)

a. Water Availability Report – David Gensler, MRGCD Water Operations Manager

Mr. Gensler reported that the river is running reasonably well; natural flows have been higher than we typically see, but they are trending downward. Started releasing water from El Vado Dam @ 250 cu. ft. per second.

There is about 10 miles of river dry at the far south end of the system. The last time we had less drying than this was probably 2001/2002 it has been quite a few years though since we've had so little drying in a year.

The district puts in a daily demand to Reclamation and that' number is used in the model to determine releases and that's the way we have been managing for a number of years. The demand today is 650 cubic feet per second, only about half of it is the consumptive use for agriculture. Roughly 250 cfs is coming out of storage today to meet that demand of 650. Reclamation is adding 75 cfs and the Water Utility Authority is about 65 cfs and that adds up to 790 cfs coming out of Cochiti Dam.

The diversion at Cochiti is 135 cu. ft. per second, and Angostura at about 100 cu. ft. Isleta is running around 320, San Acacia was diverting about 50 cfs, and were running the main canal about 180 cfs. Most of that water is arriving via Unit 7 at the Socorro Main Canal.

Dr. DuMars pointed out if in the future for the BOR to make it clear on their Bucket chart, that they indicate that this is all water destined for use in the Middle Rio Grande and Environmental EDW Project Storage. He expressed we need to make it clear that it is not USBR water. Dr. DuMars said the chart suggests that the Rio Grande project has water rights that are stored in El Vado. The Rio Grande Project does not have water rights; the water rights belong to the pre-1907 users in the Middle Rio Grande Conservancy District.

There were no questions for Mr. Gensler.

b. Report on the WRRF Conference in Socorro – Mike Hamman, MRGCD CEO

Mr. Hamman reported that the WRRF Conference was held at the Macy Center in Socorro, NM August 14-16, 2017, and there quite a few good speakers presenting. Mr. Hamman acknowledged Mr. John Fleck attending the Board meeting, and Mr. Fleck was also on the panel of presenters. The topic for this conference was the perspectives on where we are going with the water supply situation. There was discussion on various things including climate change.

There were introductions by Senator Udall that talked about some progress into the last conference report. Tom Blaine, NM State Engineer discussed about water rights and the processes going on at the State Engineer's Office.

Mr. Hamman served on a panel, moderated by Phil King, from Elephant Butte Irrigation District and his role as a professor at NMSU talking about farmland retirements. Mr. Hamman's discussion was on the decline of Ag lands that's going on in the MRGCD, related to development, expressing that somewhere between 200 and 300 acres a year that is going to development and what that means for the future of the District. Also he discussed the Water Bank and the pre-1907 water rights. The panel focused on irrigation districts in New Mexico that are struggling with maintaining the future of agriculture in the state. Mr. Hamman stated it is important to the District to figure out how to keep agriculture viable going into the future, and how to prevent productive land from going towards development.

Other discussions were had regarding the Water Bank, and Mr. Hamman commented that he brought himself up to speed since becoming the District's CEO/CE on what the Water Bank means, and he admitted he had a different view of looking at it from the outside and a lot of people tend to have the same view, and we need to do a better job of explaining how the Water Bank protects the future of Middle Valley agriculture.

Director Duggins stated the way to fix the shrinking farming community is they have to make a profit. Without profit they are going to have trailer parks. Farmers do what they have to do it runs in their blood. If a farmer would win the lottery that money would go into the farm. Director Duggins remarked we need to be concerned, we have lost full-time farmers in the Socorro valley, 100 percent full-time farmers; I bet you can't find six of them left in Socorro.

Dr. DuMars concurred with Mr. Hamman regarding the Water Bank

- c. Report on Senator Udall Staff Tour of MRGCD Facilities August 16, 2017 – Mike Hamman, MRGCD CEO

Mr. Hamman indicated that when he was in Washington, DC and met with Senator Udall regarding the NM Drought Preparedness Act, the staffers said they would be in Albuquerque in August and would like to set a date to go on a tour of MRGCD facilities which coincided with the WRRRI conference. Mr. Hamman toured with the Udall Staffers beginning with San Acacia Levee, and stopped at Isleta and talked about the settlement and other associated issues, and then continued north to Angostura and Cochiti Dams. We had an extensive discussion about the relationship of the Six Middle Rio Grande Pueblos, the 2016 Biological Opinion and the use of Cochiti Dam for conservation storage.

- d. Update on the Montano Gap Levee Project – Mike Hamman, MRGCD CEO and Jerry Lovato, Executive Director, AMAFCA

Mr. Hamman provided a background of the Montano Gap Levee Project. The project is a multi-agency approach to figure out after the Corp of Engineers withdrew out of the project as it didn't fit within their criteria and cost structure to perform the work of the Montano Gap Levee. This project is a stretch just south of Paseo Del Norte, to essentially the Oxbow on the west side of the river. It would also tie in and protect the Montano Bridge abutment. AMAFCA, Bernalillo County, MRGCD and the City of Albuquerque (COA) jointly applied for a FEMA grant and received a \$7 million-dollar grant for Phase I. The MRGCD was initially asked to be project manager, but we could not provide the resources, and AMAFCA graciously accepted to step into that project management position.

Mr. Thomson, Chairman of the AMAFCA Board, stated on behalf of the AMAFCA Board and Agency that they have enjoyed working with the District, and have a great working relationship. In recent years, jointly we have been able to get a lot of stuff done that had been on hold or been precluded, therefore I'd like to thank the Board and your CEO.

The Montano Gap Levee Project is in Director Stover's District, so it is very important to her as well.

Mr. Thomson turned it over to Jerry Lovato, AMAFCA Executive Engineer.

Mr. Lovato provided the board a detailed report and advised the Board that after Katrina hit in 2005 things changed for levees. In 2006 the Corp of Engineers (COE) were tasked to go out and take a look at levees all over the United States, and they came to Albuquerque and found three sections of levees that did not meet the standard for flood control levee. The report Mr. Lovato provided the Board details a timeline summary of the Montano Levee Project; FEMA Mitigation Grant – Design, Construction and Project Acceleration along with an Executive Summary –Rio Grande Floodway, Albuquerque Unit Evaluation Report.

HISTORY – After Hurricane Katrina, the U.S. Senate through the 2005 Energy and Water Appropriations Bill, directed the USACE to initiate an evaluation of the structural integrity of the levee system in Albuquerque to determine if the levees function as originally designed.

An Executive Summary identified levee deficiencies in Albuquerque. Two areas were on the west side of the river, three miles upstream of I-25 and a mile both upstream and downstream of Montano Blvd. The third area, the east side of the river for five miles upstream to the AMAFCA South Diversion Channel. Below is a summary of the Montano Levee Project.

- 1997 - Montano Gap Levee, extends from La Orilla Rd. south past Montano Blvd. to the high bluffs on the west bank of the Rio Grande. This area was undeveloped and no flood protection was needed when the Corrales Reach of the levee system was reconstructed by USACOE in 1997.
- 2005 - The levee section was deemed nonexistent
- 2009 - The MRG Task Force was created to address unfunded levee reconstruction costs the Middle Rio Grande including local funding for the Montano Levee Gap.
- 2010 – A joint memorial requesting congressional support for the Albuquerque Levees Project and request for an appropriation of \$2,000,000 for the beginning of the design and permitting of the Montano Gap Levee Project.
- 2013 – The City of Albuquerque entered into an agreement with the COE to fund a feasibility study under the 205 program to build the Montano Levee Project.
- 2014 – AMAFCA looked at alternates to design and construct the project using local funding and local contractors.
 - a. Alignment 1 – Near the existing soil bank levee (USACOE Project)
 - b. Alignment 2 – West of the existing spoil bank levee)Local Project Protects 150 Cottonwoods)

Three meandering outlet channel alternatives were analyzed to take flow from the La Orilla through the Bosque south to the Rio Grande Oxbow.

1. Option A – Minimized outlet channel configuration
2. Option B – Corrales Levee Pond
3. Option C – Montano Levee Pond

- 2015 – The COA, Bernalillo County and AMAFCA completed and adopted a hazard mitigation plan for each agency's jurisdiction. Each agency included the Montano Levee project as a known hazard that needed to be mitigated.
- 2016 – The COA with technical assistance from AMAFCA, Bernalillo County and MRGCD completed a hazard mitigation grant application.
- 2017 – The COA was notified that the grant proposal for \$7.2 million dollars was approved by FEMA. The federal match is 75% or \$5.4 million dollars and the local agencies are responsible for \$1.8 million dollars.

Mr. Lovato advised the Board that it will take two (2) years for AMAFCA, and will cost a little extra money, but AMAFCA will get it done in the 2 years, compared to possibly 10 years for the Corp. AMAFCA will continue to get more general public input as they move forward.

Director Moore asked if AMAFCA has finalized plans and Mr. Lovato replied they do not.

Chairman Kelly asked Mr. Lovato how do you physically take this through a two-year process for environmental clearances and design approval within Bernalillo County and from various diverse interests.

Mr. Lovato said they will begin with public meetings on the levees once they get approval from AMAFCA Board of Directors at the September Board Meeting. It is going to be fast track, and

they plan to have a dedicated project manager, and use all the resources AMAFCA has to move this forward.

Mr. Hamman stated that the District is going to be a strong participant in the public outreach component, and look at getting the licenses reviewed and brought to the MRGCD Board for approvals. Chairman Kelly inquired if there will a BOR license required simultaneous with the MRGCD one. Mr. Hamman stated it will be a joint license.

There was additional discussion on long-term maintenance, and who's going to own, operate and maintain this levee when it is complete.

e. Hackman Lateral Reroute/Tierra Viva Neighborhood Report – Jason Casuga, MRGCD Engineer

Mr. Hamman stated that this particular problem has a long and sordid past, and the MRGCD is in a solution solving mode to help the Tierra Viva neighborhood and also resolve some other issues; operational issues for the MRGCD and the City of Albuquerque (COA) Open Space Division that Mr. Casuga will present.

Mr. Casuga concurred with Mr. Hamman that there is history on this situation, and boils down to the issue that exists is there is a section of the Hackman Lateral that MRGCD no longer has access for purposes of maintenance. The maintenance is supposed to be done by the Homeowner's Association (HOA) of the Tierra Viva Subdivision. The HOA is incapable, either by expertise or equipment and access to be able to do that in such a way that allows water to flow regularly. The MRGCD has stepped in, in the past and assisted them with the maintenance. The channel there is a shotcrete channel, but it is falling apart. The HOA had an assessment done and the Engineering firm they contracted told them there is approximately three years for that channel to function. The HOA once again approached the MRGCD to ask if the MRGCD would consider realigning the Hackman Lateral to the west. This realignment would also affect the COA Open Space, and there is existing infrastructure there that would make the construction of a new channel viable. There are some elevation issues, but from an engineering standpoint, the realignment could work. THE HOA is on board with accepting the large portion of the one-time cost to do this. Not having the access to do maintenance is burdensome on the whole community.

The District serves water users downstream and this is a concern.

Mr. Casuga met with the COA and they feel comfortable looking at this project and moving forward with Open Space. The COA representatives, Mr. Hamman and Mr. Casuga met with Tierra Viva HOA board members to discuss the next steps and advise the Board that we have at least three entities that will work jointly on this. On September 24, 2017, MRGCD will be providing an update to the Open Space Advisory Board.

Director Moore asked if this was private land where the realignment will occur. Mr. Casuga said it is owned by City of Albuquerque.

Director Lente asked how would water get down to the land owners below the Tierra Subdivision. Mr. Casuga responded that water will be through a pipeline system.

Director Lente stated with continued development how are we going to create a new policy so that we do not have to deal with this in the future. Mr. Casuga responded that the MRGCD really tried to assert that position, and ultimately lost in a legal battle, and legal counsel can provide more detailed information on what happened. Director Lente's final comment was at the end of the day the acequias, laterals are the entire system, and each part has a role to play in regards to how it leaves Cochiti Dam, and how it gets down to Lemitar, and this is going to continue to happen. Who will be paying for this? Mr. Casuga advised Director Lente that the home owners

association will be paying for this because we are relieving their legal obligation and taking them out of a bad situation. The HOA is not paying for the District time.

Chairman Kelly commented that he was very familiar with this ditch and has met with the homeowners several times during Mr. Shah's term at the MRGCD. Mr. Hamman was only on the job for 2 weeks when he and I looked at this. Mr. Shah tried to exert what was right for the District, and unfortunately we have a ditch sitting next to a retaining wall, and that ditch leaks like a sieve, and the retaining wall is about ready to go over into those backyards. This alternate alignment has a lot of benefits other than just getting rid of the maintenance issue.

Director Moore asked if the old lateral is abandoned who will be responsible if somebody falls and sues. Mr. Casuga stated where we sit in the process and how we deal with the Hackman has not been determined, but we do understand just leaving it there as a safety hazard is not appropriate.

Mr. Hamman stated the HOA has to deal with liability issues. We are also going to make recommendations to fill it, and they would also absorb that cost.

Director Duggins inquired about the pipe system to provide water to these properties, and stated it doesn't look like its being farmed, do they pay MRGCD, and can they come back and say they want to farm and there is no ditch. Mr. Casuga responded that based on the research the residential lands don't meet our criteria to have to pay for the water they take, and as the project goes forward, we will explore in much more detail.

- f. Report on Low-head Hydro Assessment Project, Task Order Approval to OCCAM to Proceed – Mike Hamman, MRGCD CEO

Mr. Hamman stated in the 2018 budget we put in for an Assessment of Low-Head Hydropower potential within the various areas of the District. We will secure the service of OCCAM Engineers, a District on-call firm, and we have met with the principals of the group and will entail some basic assessment of the potential for hydropower to be constructed within the District at various locations. Our title issue is still in question, so we have asked OCCAM to look at all of those things to see what all we have to develop a long term plan for development of low-head hydro.

Chairman Kelly stated that at a previous Board meeting Mr. Gensler provided a detailed report on hydro power potential and with Mr. Gensler tied up being the ISO Supervisor and delivering water all summer, myself and Mr. Hamman talked about this and felt that being able to draw on the two principals at the OCCAM Engineers would be our best roadmap to answer all those questions on how do we do this and identify that first prototype site. With the \$40,000 in budget that will start this moving to tell us where the first site is best located, and advise on all the requirements needed to start producing power over the next two or three years.

Director Lente asked if this had to be put out for bid. Mr. Hamman advised the Board that On-Call Engineering Services went through the bid process, so we, for this sum of money and this type of feasibility we can go directly with our on-call engineers.

Mr. Hamman advised the board the amount for the Scope and Fee Proposal for Low-Head Hydropower Generation Investigation for OCCAM Engineers is \$34,500 plus GRT.

- g. Set Meeting Dates for Board Committees (Urban Issues, Legislative and Irrigation and Water Protection Committees

Dates were set for the Legislative Committee, District Urban Issues Committee as follows:

September 11, 2017: 1:00 p.m. District Urban Issues Committee Meeting

John Thompson, Chairman Kelly, Directors Dunning and Duggins

September 11, 2017: 2:00 p.m. Legislative Committee Meeting
 Directors Dunning, Baca and Duggins

The Irrigation/Water Bank and Illegal Irrigators Committee Meeting – TBD

Mr. Hamman advised the Board the Interim Committee of Natural and Resource Meeting will be October 11-13, 2017 and there was discussion to prepare a Memorial that will be presented to the Legislative Committee at the Natural and Resource Meeting.

h. Update on Albuquerque West Levee Reimbursement

Mr. Hamman advised the Board that the District received two blocks of funds in this fiscal year from the Corp of Engineers. At a previous meeting the Board you heard about \$320,251 that was reimbursed in April. We have recently been informed that we will get another \$240,000 reimbursed. That would bring our remaining balance to \$2,063,533 the COE still owes the collective group (MRGCD, AMAFCA and Bernalillo County). We have proposed to AMAFCA and Bernalillo County instead of doing the ratio of reimbursement back to them; to continue using their portion of the reimbursement and allow the MRGCD to continue utilizing these funds for our cost share on the Bernalillo to Belen Levee given that a good portion of the levee is Bernalillo County.

We did receive a letter back from Roger Paul of Bernalillo County, and they have agreed to allow the District to keep 90% of the funds that we owe them on our side of the ledger for cost share and that we would give them back roughly \$8,600 for some budgetary items that they have a gap on. Also in speaking with Jerry Lovato of AMAFCA, they will be considering something similar.

AGENDA ITEM 8 - REPORT(S) FROM THE MRGCD ATTORNEY(S) Chief Water Counsel and General Counsel

No Reports from Legal Counsel

AGENDA ITEM 9 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

No Board of Directors Reports

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Threatened or Pending Litigation

Chairman Kelly requested a motion to move into Executive Session at 5:05 pm.

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

Chairman Kelly requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Chairman Kelly requested a motion to move back into the regular Board meeting.

Director Moore **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION.** Director Baca seconded the motion.

Chairman Kelly requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Chairman Kelly reconvened the regular meeting at 5:35 pm.

Chairman Kelly said for the record that only discussion was had and no action was taken.

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

The meeting was adjourned at 5:36 pm.

Approved to be the correct Minutes of the Board of Directors of August 28, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

John P. Kelly, Chairman
MRGCD Board of Directors