

**MINUTES OF THE
REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
DECEMBER 10, 2018**

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

DIRECTORS

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

STAFF

Mike Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Bruce Wiggins	General Counsel
Lorna Wiggins	General Counsel
David M. Fergeson	Secretary-Treasurer
Jeanette Bustamante	Administrative Officer/CPO
David Gensler	Water Operations Manager
Becky Burnham	Budget Analyst
Estella Gamboa	Assessment Collection Clerk II
Sandy Ontiveros	Records Specialist
Ricardo Varela	Warehouse Specialist
Christine Nardi	Human Resource Director
Jason Casuga	Engineer Manager
Doug Strech	GIS Supervisor

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

Emily Hohman, Chama Peak Land Alliance	Jeff Willis, AMAFCA
Laura McCarthy, The Nature Conservancy	Cody Walker, Pueblo of Isleta
Aaron & Nancy Peay, Resident	Joanie Griffin, Griffin & Assoc.
Ernie Marquez, AES	Viola Sanchez, BIA

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Estella Gamboa, from MRGCD, led the Pledge of Allegiance. Ms. Gamboa has been working for MRGCD for 18 years and currently works in the Assessment Department.

Chairman Duggins welcomed the guests and declared a quorum.

AGENDA ITEM NO. 2 – APPROVAL OF THE MEETING AGENDA

No changes were made to today's agenda.

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

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

a. Consideration/Approval of Payment Ratification for December 10, 2018

Director Dunning noted a typo in leaving out the word "retiree" for healthcare costs. David Ferguson will correct.

Director Moore asked about the Dropbox charges. Jason Casuga responded that Dropbox is being utilized as a pilot study to create a digital work plan process with the pueblo partners and throughout the District with managers.

Director Kelly made the **MOTION TO APPROVE THE MRGCD PAYMENT RATIFICATION FOR DECEMBER 10, 2018**. Director Romero seconded the motion. The **MOTION CARRIED**.

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

Director Dunning asked about a client asking for relief from what she thought was ad valorem taxes. Bruce Wiggins responded that it was a question of water service charges, which they are still working through.

Director Lente made the **MOTION TO APPROVE THE NOVEMBER 2018 INVOICE FOR WIGGINS, WILLIAMS & WILLIAMS**. Director Moore seconded the motion. The **MOTION CARRIED**.

c. Consideration/Approval of November 2018 Invoice for Law and Resource Planning Associates

No comments or discussion by Directors.

Director Moore made the **MOTION TO APPROVE THE NOVEMBER 2018 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Baca seconded the motion. The **MOTION CARRIED**.

AGENDA ITEM NO. 4 – APPROVAL OF MRGCD MEETING MINUTES

a. Consideration/Approval of Minutes for Regular Board Meeting - November 19, 2018

Director Dunning noted that near line 420, the minutes referred to the Solicitor General banning Mike Hamman for life from bringing up particular subjects he had "substantial" involvement in as the Reclamation Area Manager directly with federal officials, with Chuck DuMars responding that there is no explanation for the "detention." Dr. DuMars noted that the word "detention" should have been "suspension."

Director Moore made the **MOTION TO APPROVE THE MEETING MINUTES FOR THE REGULAR BOARD MEETING, NOVEMBER 19, 2018**. Director Baca seconded the motion. The **MOTION CARRIED**.

AGENDA ITEM NO. 5 – PRESENTATION ON THE BERNALILLO COUNTY DITCH SAFETY PROGRAM BY GRIFFIN & ASSOCIATES - Estella Gamboa, MRGCD Committee Representative

Estella Gamboa, the Ditch and Water Safety Taskforce Committee, reported that MRGCD, City of Albuquerque, Bernalillo County, and AMAFCA work together to promote awareness of ditch and water arroyo safety. Griffin and Associates has been the agency of record and has teamed

with personnel from MRGCD for the annual pool pass program. Ms. Gamboa introduced Ms. Joanie Griffin.

Ms. Griffin reported that her firm, Griffin and Associates, has been overseeing the Ditch and Water Safety Taskforce for 24 years. She came in today to thank the board for their support and also to highlight where the taskforce is headed.

Currently, the big thing is working on the 2019 season. They've introduced "Leroyo," who is the mascot for their campaign. Leroyo came out of a contest held at the local school level. Leroyo is a gender-neutral, happy, fuzzy, friendly mascot that goes to schools and anywhere else a presentation is being made.

This year, they held a mural contest, and the winner will paint the mural on an arroyo (exact location is still being discussed). The location will be a highly-trafficked place with the intent of promoting education regarding flash flooding in the arroyos.

Director Baca asked the cultural component of the campaign, i.e., the sacredness of water. Ms. Griffin responded that they work with all tribal entities along the corridor of the MRGCD. They are doing programs in head start and elementary schools on tribal property and work with tribal representation. They also translate everything from English to Spanish. Ms. Griffin reported that even though getting in water might be a culture, being in the ditches and arroyos is still not safe.

Chairman Duggins asked who would be painting the mural that won the contest. Ms. Griffin announced the winner (and the person who will be painting their mural) is Jessica Esberg. Chairman Duggins asked why they did not open the contest to the schools. Ms. Griffin responded that their other contests have gone to the schools and that there a lot of miles of arroyos, and she does not see why they would not have more contests at all levels for more murals.

Chairman Duggins also asked about the access of the mascot to other counties besides Bernalillo County. Ms. Griffin responded that the programs are for all counties along the Conservancy District. If anyone in the District is interested for a visit or presentation to be brought to their schools, all they have to do is request it. The number to call is on the website or you may just click and contact them. They have never said no to any request.

Chairman Duggins also questioned if the swim passes were only for Bernalillo County. Ms. Griffin responded that it is for all the Conservancy District. She reported that ditch riders are given the passes to hand out. Ms. Griffin reported that the passes are only good at pools in Albuquerque and Bernalillo County. She would, of course, need help getting pools to participate in the program in each of the various places (Socorro, Belen, and Los Lunas). Basically, the passes are free to the user; however, each one costs the program 75 cents per pass. Chairman Duggins went over what he did last year in Socorro with the kids swimming free.

Director Kelly added that he felt that the swim pass program was mostly for Albuquerque because of the participation of City of Albuquerque and Bernalillo County. He remembered there being some reluctance of the taskforce executive committee to take \$60,000 that was the joint contribution from the four agencies for swim passes. Ms. Griffin agreed and added that her firm raises additionally money and is totally funded separately from that money. Director Kelly asked if MRGCD elected to make a grant for swim passes for all four counties if Griffin and Associates could handle it. Ms. Griffin reported that they would have to work with all four

counties to figure out the payment rate, and also, they would have to do additional fundraising to try to get 100% coverage of the passes.

Director Moore added that she would like to see the "Ditches are Deadly" slogan on a sign located at the pools. Ms. Griffin agreed.

Director Dunning reported that she was the only Board Member opposed to Director Kelly's program in Socorro for the kids to swim free because she wanted it tied to an educational component. She felt it was just a freebie to the City of Socorro. She likes the idea of tying in a swim pass with the message and giving it to the kids who live by ditches, not just the whole county. Ms. Griffin reported that they are very careful about that in Bernalillo County and focus on the valley. Chairman Duggins added that the only reason it was free to Socorro was because he went out and obtained the resources to pay for the swim program.

Ms. Griffin reported that she will take this idea back to the committee to discuss the options around expanding the program. Director Moore asked if maybe they could use a billboard for advertising the program. Ms. Griffin felt that was a great idea and would look into it.

Director Kelly asked about numbers and amounts of the pool passes. Ms. Griffin did not have all of the information with her but knew they printed 70,000 passes. They figure that only half will use the passes (at 75 cents per pass). Director Kelly asked if Ms. Griffin felt \$15,000 to \$20,000 as an extra component from MRGCD would pay for all four counties to have the swim passes. Ms. Griffin said they would have to see, because of the separate funding. Director Kelly and Ms. Griffin threw some numbers back and forth, but Ms. Griffin will look at it in more detail.

AGENDA ITEM NO. 6 – PRESENTATION ON THE RIO GRANDE WATER FUND ANNUAL REPORT - Laura McCarthy, Associate State Director of the Nature Conservancy New Mexico

Martin Haynes is an irrigator at the north end of Bernalillo County. He is involved in the Rio Grande Water Fund on behalf of the Business Water Taskforce and is also on the Board for the Taskforce. He gave the history of coming to the MRGCD Board a couple of years ago emphasizing the possibility of doing some forest restoration and possibly creating additional waters for the middle Rio Grande and preventing catastrophic fires. The previous Board agreed to participate with the Nature Conservancy group. Mr. Haines introduced Laura McCarthy, Nature Conservancy and Emily Hohman, from the Chama Peak Land Alliance.

Laura McCarthy reported that looking statewide, the Rio Grande, from essentially your District up to Colorado, inclusive of the San Juan-Chama project, is the priority statewide because of the water provided for agriculture and for urban areas. The Rio Grande Water Fund set out an ambitious goal of restoring 600,000 acres over 20 years, so that those forests do not burn with mega fire but rather so that they can be resilient to the kind of fire that is inevitable in forests, where fire is a natural occurrence. To achieve the goal, they put together a collaborative charter. The Rio Grande Water Fund has been securing funding, including the five-year memorandum of agreement with the MRGCD.

Ms. Hohman gave an introduction to the Chama Peak Land Alliance. They are a non-profit that works exclusively with private landowners within the boundary of the Rio Grande Water Fund. The region is about 1.4 million acres of public and private lands, and their members represent about 200,000 acres of that. They do work with private landowners who are not members. They work with any private landowner who is interested in promoting or practicing land stewardship on their property.

The San Juan National Forest has recently completed about 2,500-acre MIPA determination to start focusing more on the Blanco Basin. The Forest Service and the NRCS has recently submitted a joint chief's proposal, looking for funding for both national forest lands and for additional private lands in the basin, and the Regional Conservation Partnership Program to the NRCS also allocated one of their projects to private lands in the Blanco Basin. So, the initial investment from the Rio Grande Water Fund is attracting attention for additional investments.

Ms. Hohman then showed some pictures, showing how they have put the first year of money on the ground.

Laura McCarthy wrapped up by adding that it is going to take multiple year of investment to fully protect the Blanco and Navajo watersheds. The Albuquerque/Bernalillo County Water Utility Authority is paying for the other projects that the Board saw here today. It leverages MRGCD money. The presentation today was a combination of multiple fiscal years. They will think about reporting more on an 18-month cycle.

Director Dunning thanked Ms. McCarthy and Ms. Hohman for the work they are doing. Director Dunning thinks their work is one of the most important things the MRGCD funds, and she is impressed with their collaboration. Director Moore reiterated Director Dunning's sentiments and added it was money well spent.

Chairman Duggins also echoed the sentiments of Directors Dunning and Moore and then wondered if the work would increase the amount of water. Ms. McCarthy responded that there is a lot of research on that topic. So, they have decided to focus more on the fire protection benefits than on the water yield.

Ms. McCarthy finally added that they are projecting it will be about five to ten years to finish up the work that needs to happen in the Navajo and Blanco watersheds. They are also working on prioritizing watersheds that supply native New Mexico water into the Rio Grande. It will be a continuous process over the next 20 years.

Director Baca suggested that perhaps they may want to try to speak to the Quivira Coalition and perhaps the Denver Zoo that does work in the Rio Mora Wildlife Refuge.

Director Kelly also added that he did not see the BIA on the list of signatories and that Viola Sanchez, from BIA, had not heard of the program. He suggested that maybe they contact Viola Sanchez or speak to her later today (as she is on today's agenda). Director Kelly also asked about tribal participation. Ms. McCarthy responded that they had their first pueblo sign up last week, and it was Jemez Pueblo. She said that tribal participation is extremely important, and they are hopeful that all of the middle Rio Grande tribes will participate.

Chairman Duggins asked about grazing on the lands. Ms. McCarthy responded that they have some landowners who don't actively graze and use their land for recreation, as well as they have second and third generation ranchers who are using the land and also absentee landowners who lease for cattle grazing. She could not comment on the public land side, however.

AGENDA ITEM NO. 7 – CONSIDERATION/APPROVAL OF 2019 MRGCD ELECTION FORMAL DOCUMENTS - Ernie Marquez, Election Director, and Election Committee, Directors Dunning, Baca, and Moore

a. 2019 MRGCD Election Calendar (*Document too large to attach*)

The calendar was included in the Board Members' packets. It was reviewed and approved by the Election Committee. No discussion or questions regarding the calendar were presented.

b. 2019 MRGCD Election Rule 20 (*Document too large to attach*)

No changes were made to Rule 20 for this year. So, this remains the same as last year, which was reviewed and approved by the Election Committee. No discussion or questions regarding Rule 20 were presented.

c. Recommend Polling Locations for the 2019 MRGCD Board of Directors

Some polling locations were moved in Bernalillo County, and some were removed from the other counties. The polling places were reviewed and approved by the Election Committee. Because of concerns with the number of breweries that are opening, Director Dunning suggested that Ernie Marquez do a quick check to be sure there are no new breweries located within 100 feet of the polling locations. Mr. Marquez will double check on all polling sites.

Director Baca made the **MOTION TO APPROVE THE 2019 MRGCD ELECTION FORMAL DOCUMENTS**. Director Romero seconded the motion. The **MOTION CARRIED**.

AGENDA ITEM NO. 8 – CONSIDERATION/APPROVAL OF NOTICE OF 2019 ELECTION OF DIRECTORS, RESOLUTION BD-12-10-18-48.3, AND PROCLAMATION - Mike Hamman, CE/CEO

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

NOTICE OF 2019 ELECTION OF DIRECTORS

BD-12-10-18-48.3

WHEREAS, [Section 73-14-24.B. NMSA, 1978 Comp. as amended] requires that the members of the Board of Directors shall be elected at an election held on the first Tuesday after the first Monday in June in 2001 and in each odd-numbered year thereafter; and,

WHEREAS, [Section 73-14-27 NMSA, 1978 Comp. as amended] requires that the Board of Directors shall provide for adequate polling places within the boundaries of the conservancy district. In addition, the Board of Directors shall provide a polling place at the main office of the conservancy district and may provide such other locations as it deems necessary. The Board of Directors may also create absentee-early voter and absent voter precincts; and,

WHEREAS, [Section 73-14-24 NMSA, 1978 Comp. as amended] further requires that on the first Tuesday after the first Monday in January prior to the Middle Rio Grande Conservancy District election, an election proclamation shall be published that includes a list of the offices for which a candidate may file, the date and place at which declarations of candidacy shall be filed and the date of the election. The election proclamation shall be published once in a newspaper of general circulation in the counties in which the election shall be held.

THEREFORE BE IT RESOLVED by the Board of Directors of the Middle Rio Grande Conservancy District that:

- A) The election of directors for the Board of Directors of the Middle Rio Grande Conservancy District shall be held on Tuesday, June 4, 2019 from 7:00 a.m. to 7:00 p.m.
- B) The purpose of the election is to elect directors to the Board of Directors for the following positions:
 - 1) Position No. 1 At Large
 - 2) Position No. 2 Director for Bernalillo County
 - 3) Position No. 5 Director for Valencia County
- C) Qualified candidates shall file a Declaration of Candidacy and required petition signatures with the Election Officer at the General Office of the Middle Rio Grande Conservancy District, 1931 Second Street SW, Albuquerque, New Mexico no later than April 5, 2019.
- D) The election contractor is hereby directed to publish the date and time of election, list of offices and the date and place at which declaration of candidacy shall be filed, and the purpose of the election in compliance with the state law.

RESOLVED in session this 10th day of December, 2018

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Glen Duggins, Chairman MRGCD Board of Directors

ATTEST:

David M. Ferguson
Secretary/Treasurer

No discussion took place for the Notice and Proclamation.

Director Kelly made the **MOTION TO APPROVE THE NOTICE OF 2019 ELECTION OF DIRECTORS, RESOLUTION BD-12-10-18-48.3, AND PROCLAMATION.** Director Lente seconded the motion. The **MOTION CARRIED.**

AGENDA ITEM NO. 9 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

Aaron and Nancy Peay

Mr. and Mrs. Peay live at 10347-A Fourth Street, near the Chamisal lateral. They are here regarding a culvert crossing for a private property access easement at their property. Prior to the purchasing of their home, the bridge became unusable, and a back entrance is used through two private properties to get onto their property. They are unable to record the back entrance as a private access property easement, as one property owner refused to record, and is now deceased. If they have no recorded private easement, they can no longer carry title insurance, and the land will become landlocked. Apparently, before Mr. Gomez from MRGCD retired, they report that he said they could build a 25-foot culvert; however, the current engineering manager is requiring them to construct an 80-foot culvert. They do not feel they should be required to pay for the additional culvert size.

Director Lente was very understanding of their situation, as the cost of an 80-foot culvert would be \$25,000; however, Director Lente strongly suggested that we must follow policy equally and fairly throughout the District in regards to bridge crossings.

Director Baca asked various questions, trying to ascertain if anything was agreed to in writing by MRGCD in the past regarding Mr. and Mrs. Peay's situation. He agreed with Director Lente but also wants to be sure that MRGCD didn't agree to something, and it got lost with Mr. Gomez' retirement.

Mike Hamman requested that he and Jason Casuga reconvene with Mr. and Mrs. Peay to try to come to resolution on the matter. He assured the Board they would try to accommodate their needs, keeping in mind that MRGCD is trying to improve the quality of installation throughout the entire District.

Director Baca asked Mike Hamman to report back to the Board regarding the resolution.

AGENDA ITEM NO. 10 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

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

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

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

Things are quiet. BIA is moving forward with the O&M work for this winter. In some cases, some tribes do not have a lot to do because they were busy doing it all summer. They coordinated ditch shutdowns, were able to install turnouts and repair things that needed it.

The biggest thing going on now is just the tribes trying to coordinate with the District over the proof of beneficial use and the title transfer. There have been a lot of discussions on that over several meetings. The Solicitors have become involved and, as well as the Department of Justice. BIA does not have a position to say it opposes it or supports it because they don't know enough about it. As Ms. Sanchez understands it, the first step is only going to be an extension of time. As soon as that becomes available, BIA will call the meetings.

Ms. Sanchez extended the option year, year four, of the contract because things are working so well. The O&M contract with the Bureau of Indian Affairs was three years with two option years. However, the contract does allow modifications at any time with the signed consent of both parties. The extension should arrive at MRGCD shortly for signatures, and it would extend to February of 2020.

Chuck DuMars added for Ms. Sanchez that he had a conversation yesterday with Chris Lindean about the extensions of time. He told them that we absolutely needed to have language in there that would disclaim any effect on the Bureau of Reclamation or on any pueblo, to which Mr. Lindean agreed. Dr. DuMars is meeting with Mr. Lindean tomorrow and will send a draft to Ms. Sanchez as soon as possible.

Regarding title transfer, Viola Sanchez reported that as they understand it, the Indian lands are left out of the title transfer, but that's easier said than done because a lot of the communities are at the boundaries between two reservations because they were squatted on, on Indian lands years, decades, and sometimes centuries ago. Those are part of the historical lands of the pueblos, but, currently, they are private in-holdings. There was a Pueblo Lands Act in 1924 and another in 1933. It's not as straight forward to say just Indian lands. There's actually is some legal "stuff." BIA will have folks look into that as well, but Ms. Sanchez noted that as MRGCD goes forward with title transfer to make sure that when it excludes Indian lands to make sure

that that is what is occurring since we have to be careful how we interpret what is Indian lands and what is not.

Director Kelly asked about signing off on the two-page modification. Ms. Sanchez responded that Mr. Hamman or Mr. Fergeson can sign off.

Chairman Duggins wanted to let Ms. Sanchez know she is doing a great job. He especially appreciates her encouragement for the agriculture that's going in the pueblos. He feels it's a beautiful thing to be farming. Ms. Sanchez said it was a pleasure working with the Board and everyone at MRGCD.

Ms. Sanchez then invited any of the Board members to take a tour of the improvements that they have made. Chairman Duggins and Director Moore expressed an interest in doing that. Ms. Viola will try to set something up for the spring.

AGENDA ITEM NO. 11 – REPORT(S) FROM THE MRGCD CHIEF ENGINEER - Mike Hamman, CE/CEO

NEW BUSINESS

a. Set Date for Special Meeting to Determine Water Bank Lease Rates - Mike Hamman, CE/CEO

The annual meeting to determine water bank lease rates will occur just prior to the next boarding meeting, on January 14, 2019, at 2:00 p.m. (one hour prior to the board meeting at 3:00).

b. Discussion/Approval of 2019 MRGCD Holiday Schedule - Christine Nardi, HR Director

A recommended 2019 holiday schedule was given to the Board Members in their packets for today's meeting. There were no questions or concerns by the board members.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT
2019 HOLIDAY SCHEDULE**

4/10s

<u>HOLIDAY</u>	<u>APPROVED DATE</u>	<u>DAYS</u>
New Year's Day	Tuesday, January 1	1
Martin Luther King, Jr. Day	Monday, January 21	1
President's Day	Monday, February 18	1
Spring Holiday Afternoon	Friday, April 19	0
Memorial Day	Monday, May 27	1
Independence Day	Thursday, July 4	1
Labor Day	Monday, September 2	1

Veterans Day	Monday, November 11	1
Thanksgiving Day	Thursday, November 28	1
In Lieu of Columbus Day	Friday, November 29	0
Christmas Day	Wednesday, December 25	1
In Lieu of State Fair Day	Thursday, December 26	1

Director Kelly noted that a couple of the holidays appear to be on the second meeting of the month. When the Board does its Open Meetings Act Resolution with the schedule of meeting, Director Kelly would like to take a look at this and avoid the conflicts with the staff's holiday time.

Director Romero made the **MOTION TO APPROVE THE RECOMMENDED 2019 HOLIDAY SCHEDULE**. Director Dunning seconded the motion. The **MOTION CARRIED**.

c. Report on Water Supply Conditions - David Gensler, Water Operations Manager

Mike Hamman gave the report today for David Gensler.

The snowpack basin-wide at the moment is roughly about 87%-89% of medium for this time of year, and, of course, it's early. The other interesting thing that has occurred that did not occur last year was we had some decent rain events in the watershed late September/early October, and in some cases, wet snowfall events that melted into the watershed. The overall condition of the watershed is immensely better than it was this time last year. All sites have snow this year, which is saying we are getting good basin-wide precipitation so far this year.

There has been an increase of base flows coming out of Colorado. It bumped up roughly about 100 CFS at Lobados Gauge (stateline). Some of that is related to the precipitation, but also the base flows have come up some. We are gaining about 800 acre feet a day down at Elephant Butte; however, the starting point is pretty low at 120,000 af. We might be up to 135,000 or 140,000 a-f by the end of the year, but we will see how that unfolds early in the runoff season. We are certainly going to be well below 400,000 for the Article VII situation. We expect to be in the black on the Compact accounting for 2018, based on the projections by NMISC of about 3,000 or 4,000 acre feet.

There are approximately 1,000 acre feet of storage of San Juan-Chama water up at El Vado and nothing else. We will be able to store roughly 38,000 a-f of credit water during the runoff, such as it unfolds. We will store somewhere around 20,000a-f for P&P of native water as well, and then we're hoping that the San Juan-Chama project provides a full supply, which will be another 21,000 a-f.

We are going to need a decent runoff, quite frankly, to get us through the year. If we can get an average or above-average runoff getting us into late June/early July, and that bit of storage is likely going to be enough to get us through most of the irrigation season. Things, however, are looking all right in terms of the overall watershed conditions so far.

That kind of compliments the work they are doing up in the upper watersheds to try to get that fire hazard under control. Having a good healthy watershed situation is going to pay off for us in the long run. So, it is worth our investment to work with all of the agencies. This effort that the Nature Conservancy is doing is really fantastic outreach. It appears MRGCD is doing its best to

prepare for the current watershed and water supply situations to position the District in the best possible way going forward. We will couple that with continual efficiency improvements to our system and develop on-farm programs to assist in getting farms in good, efficient operations that optimizes water use with increased Ag production.

d. Report on Winter Work Plan and Projects - Jason Casuga, Engineering Manager

Jason Casuga reported the team is in the middle of their winter work plan, which covers four divisions, which include tribal and non-tribal land. They have committed to 43 separate types of projects, six being flumes, ten being weirs, nine being checks, plus various types of maintenance projects. Socorro Hub is also one of the projects, and it should be done by March or April. Individual pueblo planning meetings are ongoing. The work from pueblos is surprisingly light with the exception of a couple of structures and mostly turnouts.

Director Kelly suggested that Mr. Casuga have the concrete tested at various points of the pours to know what type of strength MRGCD is obtaining from the suppliers. Mr. Casuga said they are starting to scratch the surface of compaction testing and have solicited the help of Terracon to help provide those services.

e. Discussion/Approval of Resolution & Signatory Authority for Loan Agreement with NMED CPB for Improving Water Efficiency Measures for District Farmers - Mike Hamman, CE/CEO

1. **Loan Agreement Resolution No. M-12-10-18-159** (Loan Resolution too large to attach)

MRGCD was awarded the ability to enter into a \$500,000 loan under a pilot program under the New Mexico Environment Department ("NMED") under the Clean Water Act funding from EPA, which makes available to states the ability to perform a number of waste water treatment and water efficiency improvements.

This resolution is authorization to enter into the loan agreement with the NMED. This money would be used to leverage other funds that the farmer might have, or the farmer could essentially use this funding to do on-farm improvements without leveraging other federal dollars.

Oftentimes, a farmer cannot front-end the original purchase of pipe and other equipment. This amount of money will be used to help that farmer bridge the gap between cost-share requirements and front-loading the funding to purchase the equipment. This is one way the money can be used. Another way is to enter into a 20-year (or whatever the term is) loan directly with us. We administer the loan, and then we work through our assessments fund collection process, as we have done with some of our customers in the past. It would be roughly a 2% interest that we would charge to cover our costs, which is reasonable for the farmer to utilize the funds. If it is successful, there is a possibility of more money available for this program.

Chairman Duggins asked if an existing loan for the farmer could be paid off or if this is for "new" purchases. Mike Hamman said it is to encourage improvements to be on farms. However, if MRGCD decides to expand the program into a larger fund, that could be an option down the road.

Director Dunning asked if this would affect bonding issues in the future. Bruce Wiggins said this did not affect bonding.

Director Kelly noted the inconsistent verbiage throughout the document between "entity" and "borrower." Mike Hamman reassured him that a template was used, and all of that will be made consistent when finalized.

Director Kelly made the **MOTION TO APPROVE RESOLUTION & SIGNATORY AUTHORITY FOR LOAN AGREEMENT WITH NMED CPB FOR IMPROVING WATER EFFICIENCY MEASURES FOR DISTRICT FARMERS, LOAN AGREEMENT RESOLUTION No. M-12-10-18-159** Director Moore seconded the motion. The **MOTION CARRIED.**

2. Authorizing Assignment of Authorized Officers and Agents, Resolution No. M-12-10-18-160

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICER(S) AND AGENT(S)
RESOLUTION NUMBER M-12-10-18-160

Whereas, the Board of Directors of the Middle Rio Grande Conservancy District, of the State of New Mexico shall enter into a Loan Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as CWSRF 085

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

Mike Hamman, CE/CEO, or successor is authorized to sign the Loan Agreement and Promissory Note for this project, and

Mike Hamman, CE/CEO, or successor is the AUTHORIZED OFFICER who is authorized to sign all other documents necessary to fulfill the Loan Agreement and the Promissory Note requirements (Borrower's Intention, Project Description, Budget, Reimbursement Requests) and to act as the project contact (*may have more than one*), and

David M. Fergeson, Secretary-Treasurer, or successor is the SIGNATORY AUTHORITY who is authorized to sign reimbursement requests only for this project.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF DECEMBER, 2018.

Glen, Duggins, Chairman of the Board

(Signature) Date

ATTEST:

David M. Fergeson, Secretary-Treasurer

This resolution authorizes Mike Hamman and David Fergeson to function as the day-to-day managers of the loan process.

Director Kelly noted that he knows it will be a while, but suggested that Mike Hamman start publishing notifications about the availability of this funding, as well as what the rules will be. Director Moore asked for some type of email notification that she could send to her email list.

Director Kelly made the **MOTION TO APPROVE THE RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED OFFICERS AND AGENTS, RESOLUTION NUMBER M-12-10-18-160**. Director Romero seconded the motion. The **MOTION CARRIED**.

f. Report on MRGFCA Annual Breakfast Meeting, December 4, 2018 - Mike Hamman, CE/CEO

Mike Hamman turned the mic over to Directors Kelly and Dunning and combined this item with Item 13.a. below.

Director Kelly reported that MRGFCA is the Middle Rio Grande Flood Control Association, which formed back in the 1950s to push for levees along the Rio Grande, before they came through Albuquerque. The group includes federal agencies (the USGC, Bureau of Reclamation, Army Corps of Engineer) and local flood control authorities, the city, and the county. Director Kelly was happy to see MRGCD engineering staff sitting at separate tables to mix with the group.

Director Dunning reported that she believes everyone working together has just become the new norm. The issue noted was the Army Corps talking about the Albuquerque Levee Study.

g. Report on the Forage Growers Workshop, December 4, 2018 - Mike Hamman, CE/CEO

This was the third year that Mike Hamman has attended this conference, and each year he has received better comments regarding District performance than the prior year. This year, he received quite a few compliments about the ISOs and the condition of the system. People were very happy to hear about the various loan programs that MRGCD will be offering. One question that came up was regarding allowing people to irrigate non-agricultural properties during tight water supply years, which the Irrigation Committee will discuss at its next meeting.

The whole focus of this group is to network. Mike Hamman believes there is a role for MRGCD to play in helping farmers know all of the resources that are out there. He appreciates what Newt McCarty is trying to do as the cooperative extension agent in Valencia County.

h. Report on the Six Middle Rio Grande Pueblo Coalition Meeting on December 6, 2018 - Mike A. Hamman, CE/CEO

Mike Hamman reported that some of the pueblos are a little nervous with the application for proof of beneficial use and title transfer. We will try to do everything we can to alleviate the angst and concerns they have. In the end, MRGCD will do what is most beneficial for the District as a whole that includes the pueblos while protecting its water, and the environment.

Chairman Duggins and Director Lente were also in attendance for the meeting. Chairman Duggins reported that he went to the meeting because he likes to see the pueblo leadership once in a while. He also wanted to let them know that the Board brought back the BIA Committee, that we appreciate their cooperation, and that the bond with MRGCD and the pueblos is as tight as ever. He wants everyone to remember that every decision made affects real people.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE SIX MIDDLE RIO GRANDE PUEBLO COALITION MEETING, DECEMBER 6, 2018**. Director Moore seconded the motion. The **MOTION CARRIED**.

i. Announcement - District Staff Christmas Luncheon, December 20, 2018 - Mike Hamman, CE/CEO

Mike Hamman invited everyone, between 11-2 timeframe, on December 20th, at the main MRGCD building to a Christmas luncheon and celebration of the retirement of Ms. Rita Hearn from the payroll department. It is a potluck type of luncheon.

j. Chief Executive Officer/Chief Engineer Contracting Authority, November Procurement Approvals (for Informational Purposes)

This serves as notice of the actions Mike Hamman has taken under his authority. There were no questions or concerns from the Board.



Memorandum

**To: MRGCD Chairman Duggins and Board of Directors
David Ferguson, Secretary-Treasurer**
From: Mike Hamman, CE/CEO
Date: December 10, 2018
Re: Under \$60,000 Approvals for Procurement Contracts under the CEO Contracting Authority

-
1. Choice Steel \$24,621.80 - Steel and Iron
 2. Rak's Building Supply \$26,183.50 - Lumber
 3. CastleBranch Award of Proposed Unit Costs for Estimated Annual Contract for Employee Screening and Background Checks

k. Approved Licenses for November 2018 (for Informational Purposes)



Memorandum

To: Mike Hamman, Chief Executive Officer
From: Matt Martinez, Licensing and Land Sales Coordinator
Date: December 10, 2018
Re: MRGCD Licenses

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

1. SP-059-2018—License with PNM to construct an aerial power line crossing and parallel utility for new customer service within the Isleta Interior Drain right-of-way per license 2-083-2018.
2. SP-060-2018— License with Franklins Earthmoving, Inc. to install a concrete box culvert and update maintenance roads within the Belen Highline Canal right-of-way per NMDOT control No. A301480 construction plans for the “Village of Los Lunas Camelot Boulevard Extension.”
3. SP-061-2018—License with Our Lady of Sorrows Church to access the Las Nutrias Lateral right-of-way for a church procession in celebration of Our Lady of Guadalupe on December 8, 2018.
4. SP-062-2018—License with TLC Plumbing and Utility to install buried utilities per the “Town of Peralta Sanitary Sewer Improvements” project within the following District right-of-way: Middle Upper Acequia, Tome Interior Drain, Hell Canyon Lateral, and Peralta Acequia.
5. SP-063-2018—License with Dirty Sole Running LLC. DBA Race NM to access the Corrales Lower Riverside Drain and Corrales Lower Riverside Drain Extension right-of-way for the Bosque Bigfoot Trail Runs on November 24, 2018.
6. SP-064-2018—License with Cartesian Surveys Inc. for access and to conduct topographic surveys within the Atrisco Feeder and Rio Grande Bosque right-of-way on behalf of SSCAFCA.
7. SP-065-2018—License amendment with NM Underground to permit the continuation of dewatering and extend the date for construction completion of waterline utilities (licensed to ABCWUA) within the Indian Lateral right-of-way.
8. SP-034-2018—License with Jaramillo Lands, LLC-B to install and maintain a 6’ Ø X 20’ private culvert crossing within the Tome Acequia right-of-way.
9. 3-069-2018—License with PNM to install and maintain a buried utility within the La Constancia Acequia right-of-way.
10. 2-063-2018—License amendment to change licensee to Miriam Maldonado for temporary access of the Isleta Interior Drain right-of-way and for licensee to assume maintenance responsibilities to new traffic fence line.
11. 3-071-2018—License with Plateau Telecommunications, Inc. to install and maintain a buried fiber optic cable lead within the El Cerro Acequia right-of-way.
12. 3-074-2018-- License with Plateau Telecommunications, Inc. to install and maintain a buried fiber optic cable lead within the Hell Canyon Lateral right-of-way.
13. 2-083-2018—License with PNM to install and maintain an aerial crossing and parallel utility within the Isleta Interior Drain right-of-way.

This topic for informational purposes only. There were not questions or concerns from the Board.

AGENDA ITEM NO. 12 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)

No report was given today from either attorney.

AGENDA ITEM NO. 13 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

- a. **Report on MRGFCA Annual Breakfast Meeting, December 4, 2018 - Directors Kelly and Dunning.**

This topic is covered in 11.f. above.

- b. **Report on Finance Committee Meeting, December 10, 2018 - Directors Kelly, Moore, and Romero**

Director Kelly reported that he and Directors Moore and Romero sat through the audit exit conference, and a very clean audit report with only one minor finding will be transmitted to Santa Fe. After the State Auditor approves it, the full Board will get a copy of the audit report.

They also discussed options for bonding as a source of funding for capital improvements. We left it that there are changes needed in the antiquated legislation regarding bonding. Bruce will talk with the State Treasurer and representatives from the Flood Control Authority. The committee will meet again after the first of the year and continue that discussion.

AGENDA ITEM NO. 14 – EXECUTIVE SESSION

- a. **NMSA 1978 Open Meetings Act, Section 10-15-1(H)7**
 - 1. **Threatened or Pending Litigation**
 - i. **Water Rights Transfer Protests - Hydrology Report**
 - ii. **Romero v. MRGCD**

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

Director Kelly made the **MOTION TO GO INTO EXECUTIVE SESSION**. Director Romero seconded the motion. The **MOTION CARRIED** (by a roll-call vote).

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

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

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

No decisions were made in executive session.

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

The meeting was adjourned at 6:37 p.m.

Approved to be the correct Minutes of the Board of Directors of December 10, 2018.

ATTESTED:

David M. Fergeson
Secretary/Treasurer

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