

**MINUTES OF THE  
THREE THOUSAND FIRST REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
December 12, 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	Absent
Glen Duggins	Vice-Chair	
Adrian Oglesby	Director	
Karen Dunning	Director	
John P. Kelly	Director	
Chris Sichler	Director	
Beverly Romero	Director	

**STAFF:**

Michael A. Hamman	Chief Engineer/CEO
Patrick Redmond	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Ray Gomez	Engineer Supervisor
Jason Casuga	Engineer I
Alicia Lopez	Engineer Technician
Sloan Washburn	Belen Division Manager
Joe Brem	Albuquerque Division Manager
Yasmeen Najmi	Planner

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

Pat McCraw, South Valley Ink John Thompson, MRGCD Lobbyist Ernest Marquez, Automated Election Services Jeff Willis, AMAFCA	Sandra Lucero, USBIA/SWRO Elizabeth Reitzel, US Representative Lujan Grisham Rolf Schmidt-Petersen, NMISC
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**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Vice-Chairman Duggins welcomed the guests and declared a quorum.

Vice-Chairman Duggins requested that Director Sichler lead the Pledge of Allegiance.

**AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA**

Vice-Chairman Duggins called for approval of the agenda. Director Kelly requested an update on the status of the Corrales Siphon project as agenda item 7k.

Director Dunning made the **MOTION TO APPROVE THE DECEMBER 12, 2016 AGENDA AS MODIFIED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

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

a. Consideration / Approval of Payment Ratification – December 12, 2016

Vice-Chairman Duggins called for approval of the December 12, 2016 Payment Ratification. Director Dunning had two questions 1) regarding advertising of employment positions and 2) regarding retiree healthcare reimbursement and Mr. Fergeson answered the questions accordingly and said he would do the research and get back to Director Dunning.

Director Oglesby made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF DECEMBER 12, 2016 AS PRESENTED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration / Approval of October & November 2016 Invoices for Wiggins, Williams & Wiggins

Vice-Chairman Duggins called for approval of the October & November 2016 invoices for Wiggins, Williams & Wiggins. Director Dunning had one question regarding cases with the same name and Ms. Wiggins responded they were two different cases.

Director Oglesby made the **MOTION TO APPROVE THE OCTOBER & NOVEMBER 2016 INVOICES FOR WIGGINS, WILLIAMS & WIGGINS AS PRESENTED**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration / Approval of October & November 2016 Invoices for Law & Resource Planning Associates

Vice-Chairman Duggins called for approval of the October & November 2016 invoices for Law & Resource Planning Associates.

Director Oglesby made the **MOTION TO APPROVE THE OCTOBER & NOVEMBER 2016 INVOICES FOR LAW & RESOURCE PLANNING ASSOCIATES AS PRESENTED**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

#### **AGENDA ITEM NO. 4 – APPROVAL OF THE MRGCD MEETING MINUTES**

- a. Consideration / Approval of Minutes for Regular Board Meeting – November 7, 2016

Vice-Chairman Duggins called for approval of the minutes for the Regular Board Meeting November 7, 2016. There were no revisions to the minutes as presented.

Director Kelly made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING NOVEMBER 7, 2016 AS PRESENTED**. Director Oglesby seconded the motion. Director Dunning abstained. The **MOTION CARRIED**.

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

Pat McCraw said she would like to wish the Board a Merry Christmas and Happy New Year and said she attended the gate meeting held recently in the South Valley. She said that Director Dunning and Mr. Gomez did a great job in a somewhat difficult situation. Ms. McCraw said her own opinion is the gates are needed in that area because she has seen the four wheelers drag racing on the ditch banks. She said there is a little bit of opposition, however, she would encourage the Board to keep looking at their Gate Policy and ensure that it is solid. She said the residents are not requesting the gates because they are crybabies, but doing it because those riding the four wheelers are a nuisance, cause disturbances and destruction.

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

- a. Bureau of Reclamation – Jennifer Faler, Area Manager

Ms. Faler was not present at this meeting. The following summary report was received electronically from the Bureau of Reclamation.

1. Heron Summary

Content = 77,121 ac-ft. (12/08)  
 Azotea Tunnel: 0 cfs  
 Total SJ-C inflow year-to-date: 94,492 ac-ft.  
 Currently releasing: 300 cfs  
 Current MRGCD storage: 10,079 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 12/08:  
42,855 ac-ft.
- B. Native in El Vado  
0 ac-ft.
- C. MRGCD SJ-C storage in El Vado  
26,706 ac-ft.
- D. P & P  
1,003 ac-ft.
- E. EDWA:  
0 ac-ft.
- F. All other SJ-C contractors:  
15,146 ac-ft.

Current release is 200 cfs      RG Inflow is 40-60 cfs

3. Storage in Abiquiu

Content = 119,301 ac-ft. (12/08)  
 MRGCD SJ-C storage = 0 ac-ft.

Total water for minnow released to date in 2016:    22,942 ac-ft.

Snowpack Data:  
As of 12/09/16 (% of median)

Rio Chama Basin.....	83%
Upper Rio Grande Basin.....	64%
Sangre de Cristo Basin.....	62%
Jemez Basin.....	100%
San Juan River Basin.....	63%

b. Bureau of Indian Affairs

Ms. Sandra Lucero reported there was a total of 550 ac-ft. of P&P water released from July 22 to August 1, 2016 and as of November 1<sup>st</sup> Reclamation began releasing the remaining P&P storage water in El Vado. She said as far as the O&M agreement, it is business as usual with the BIA/MRGCD quarterly meeting held on December 7, 2016 and the next quarterly meeting scheduled for March 2017. Ms. Lucero said the third quarterly payment for O&M services was made on December 7<sup>th</sup>, the final payment for the 2016 irrigation season will be due February 2017 and the first payment for the 2017 irrigation season is due June 2017. She said the BIA continues to work with MRGCD to finalize the winter work list for the six Pueblos and the BIA has requested that the MRGCD keep the individual Pueblos in the loop regarding scheduling as the projects begin to

develop. Ms. Lucero said the Designated Engineer position is still pending final approval from Washington. Director Kelly asked if the winter project list is now more manageable than those of the past and more of a work list rather than a wish list and Ms. Lucero responded yes and she and Ray Gomez, MRGCD Engineer Supervisor are working with the list with the understanding there are projects that need to get done and have priority.

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

- a. Bid Abstract(s) – Mike Hamman, MRGCD CEO & David Fergeson, MRGCD Secretary Treasurer  
 1. Waterman Slide Gates FY2017

Mr. Hamman and Mr. Fergeson presented details of the bid abstract and recommended approval. Director Kelly asked for the budgeted amount and Mr. Fergeson responded. Director Kelly said this item almost seems to be a sole source procurement the way it's gone over the past years and would it be in the interest of the MRGCD to negotiate a sole source pricing agreement with Waterman? Discussion followed. Mr. Hamman said he would discuss and pursue this with Ms. Bustamante.

Director Kelly made the **MOTION TO APPROVE STAFF RECOMMENDATION TO WATERMAN INDUSTRIES FOR WATERMAN SLIDE GATES FY2017 IN THE AMOUNT OF \$165,904.92.** Director Sichler seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration / Approval of MRGCD Lobbyist Agreement – Third Year – Mike Hamman, MRGCD CEO

Mr. Hamman said this is the third in the four year Professional Services agreement with Mr. John Thompson. He said the coming year will be a 60 day legislative session and Mr. Thompson has also worked on several other issues for the MRGCD outside the legislative session. Director Dunning said it would be nice if there was something in the agreement that said the MRGCD lobbyist could keep abreast of Federal legislation in the event there is a bill that would impact the MRGCD. She would like to see if this could be added to the next agreement and Mr. Thompson said this is definitely something he would like to discuss.

Director Sichler made the **MOTION TO APPROVE THE THIRD YEAR RENEWAL OF THE MRGCD LOBBYIST AGREEMENT.** Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration / Approval of Contract Renewal Automated Election Services for 2017 MRGCD Board of Directors Election – Mike Hamman, MRGCD CEO

Mr. Hamman said this agreement is for the final year of the Automated Election Services agreement and the MRGCD is coming up on the next Board of Director's election in 2017. Director Dunning said she is nervous that the NM Legislature might manage to get something that changes the election. She said the Termination clause in the agreement does specify that the agreement could be terminated for "good cause"; however, could there be something added to the agreement that would give the MRGCD an out if the legislature effects changes that would impact this agreement. Lorna Wiggins, MRGCD General Counsel responded there was absolutely something that could be added. Ernie Marquez, MRGCD Election Director said he didn't feel an additional clause regarding the possibility of legislative changes would affect the signing of this agreement.

Director Kelly made the **MOTION TO APPROVE THE EXTENSION FOR THE PROFESSIONAL SERVICES AGREEMENT TO AUTOMATED ELECTION SERVICES FOR FINAL MRGCD ELECTION SERVICES.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

d. Consideration / Approval Notice of 2017 Election of Directors Resolution BD-12-12-16-48.2

Mr. Hamman said this resolution is required by statute and provides basic information to the public for the upcoming election. Director Kelly asked Evelyn Bennett, MRGCD Election Officer if there are any significant revisions to the resolution. She said the only significant change is an addition of a beginning date for picking up the petition forms. Director Dunning asked if these forms would be available on the website and Ms. Bennett said they would be, however, any potential candidates would still be required to pick up the packet at the MRGCD General Offices and go through a brief introduction.

Director Kelly made the **MOTION TO APPROVE THE NOTICE 2017 ELECTION OF DIRECTORS RESOLUTION BD-12-12-16-48.2**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

e. Consideration / Approval of 2017 Election Director & MRGCD List Compiler & Election Officer

Ms. Bennett said this memo is to ratify Mr. Ernie Marquez, Automated Election Services as Election Director, Doug Strech, MRGCD GIS Supervisor as the Election List Compiler and Evelyn Bennett, MRGCD Administrative Secretary as the Election Officer.

Director Oglesby made the **MOTION TO APPROVE ERNIE MARQUEZ, AUTOMATED ELECTION SERVICES AS ELECTION DIRECTOR, DOUG STRECH, MRGCD GIS SUPERVISOR AS THE ELECTION LIST COMPILER AND EVELYN BENNETT, MRGCD ADMINISTRATIVE SECRETARY AS THE ELECTION OFFICER**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

f. Set Date for Special Meeting to Determine Water Bank Lease Rates

Mr. Hamman said historically the MRGCD sets a date at the beginning of each year to determine Water Bank lease rates for the coming irrigation season. He said they typically have this Special Meeting just prior to the first regular meeting of the Board in January. Mr. Hamman and Director Sichler said the MRGCD Irrigation Committee will have meetings prior to this Special Meeting to discuss the various rates, fees and forms.

Director Sichler made the **MOTION TO SET A SPECIAL MEETING OF THE BOARD TO SET RATES FOR THE WATER BANK AT 2:00 PM ON JANUARY 9, 2017 PRIOR TO THE BOARD'S REGULAR MEETING**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

g. Continued Discussion/Consideration/Approval of 2017 Open Meetings Act Resolution BD-12-12-16-38.11

Director Dunning said she wasn't available at the last meeting for the discussion on this item, but she said she is not in favor of having Board meetings in Sandoval, Socorro and Valencia counties because they are not very well attended and a waste of resources. She is in favor of having Informational meetings in the various counties to inform constituents of what is going on in their specific area. Discussion followed. Director Dunning said the Open Meetings Act does not specify if the Board will be having Informational Meetings in the counties, however, if there are to be regular Board meetings, it needs to be placed in the resolution and she is advocating for amending this portion of the existing resolution. Mr. Wiggins said the last sentence of paragraph number one of the resolution could be removed. Both Directors Romero and Sichler supported the continuation of informational meetings. Director Kelly said there was also a lengthy discussion at the last Board meeting and he was firmly supporting having only one Board meeting per month, however, there was consensus of the Board that with possible new members on the Board, they should continue to have two meetings per month. He said he does want to note that the Board should strive towards one meeting a month and moving the Board committee meetings to the alternate Monday. Director

Sichler asked if the Open Meetings Act resolution could be re-visited later next year and Mr. Wiggins responded that the Open Meetings Act resolution could be revised at any time.

Director Kelly made the **MOTION TO APPROVE THE OPEN MEETINGS ACT RESOLUTION BD-12-16-38.11 AS AMENDED**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

h. Fiscal Year 2016 Audit Report – David Fergeson, MRGCD Secretary/Treasurer

Mr. Fergeson reported that Blaine Brown from Ricci & Company held a meeting with members of the MRGCD Audit Committee last week and the good news is the MRGCD received a clean opinion. He said there is still one finding they are working to resolve this week. Mr. Fergeson said he cannot report more than this until the NM State Auditor approves the audit. He said prior to the meeting, he and Mr. Hamman signed the Management Representation letter that went to the auditors and then to the State Auditor.

i. Update – Alameda Drain Trail Project – Yasmeen Najmi, MRGCD Planner

Ms. Najmi said she wanted to present to the Board an update on the Alameda Drain Trail Master Plan. She said the plan was finalized in October 2016 and since that time, the Albuquerque City Council presented and adopted a resolution this last month. She said Bernalillo County will present the plan to their County Planning Commission in early January and then hopefully to the County Commission for approval in February. Ms. Najmi said the County Public Works has negotiated to move forward with the design and construction phase and it is anticipated the construction might begin in the fall of next year. She went on to give some details of funding for the project. Ms. Najmi said the landscape architects Dekker/Perich/Sabatini submitted the plan for this project to jury for the American Society for Landscape Architects, local chapter, and the Alameda Drain Trail Master Plan won the highest honor in the category submitted. Ms. Najmi passed around the winning plaque for the Board to review. Director Kelly said he feels the Board should take formal action on this plan similar to what the City and County are doing by adopting the plan and the approval should also spell out some of the management commitments that are in the plan. He would like to bring this draft resolution to the Board at the second meeting in January for review; about the same time the County does. Mr. Hamman said that both Ms. Najmi and Mr. Gomez have been engaged in this project since day one in speaking and developing the plan that not only protects the interest of the MRGCD, but also puts the MRGCD best foot forward as a partner.

j. Approved Licenses for November 2016 (For Informational Purposes Only)

Director Dunning said she is happy to see two film projects on the list and these are the first ones to pay the MRGCD for filming on the ditch banks.

k. Status Update on Corrales Siphon Project

Jason Casuga, MRGCD Engineer 1 said he has weekly meetings with the contractor on Fridays. The final design the contractor is moving forward with involves a 2 step approach. The contractor will first replace the missing stave with a section of wood and then use a grout seal to patch the gaps. The second step will involve the application of a product know as quake rap or a rubber gasket and metal band system. He said the engineering consultant is currently working on the engineer's estimate and they don't necessarily see an appreciable difference in cost between the quake rap or the rubber gaskets with metal bands and wants the repair contractors to be able to recommend which method to install based on their expertise. Mr. Casuga said this leads into the RFQ and the RFP process and he knows there was a discussion on a more streamlined process, however, in speaking with the engineering consultant this type of repair has not been done before to their knowledge within a wood stave. The RFQ process would allow MRGCD to vet potential contactors qualifications with the recommended repair methods. The contractors would have the option to choose between the two types of repair methods along with the grout seal and they would present to the MRGCD their knowledge and expertise on how they go about doing the repair. He said the MRGCD will then have a better understanding of what is involved in the repair and what MRGCD is paying for. Mr. Casuga

said they also ran into some issues with questions related to this project being a wage rate job and he went on to give additional details. He said there have also been some technical discussions regarding the project. Director Kelly asked if the RFP process would allow them to take the best bid and not necessarily the low bid and Mr. Casuga responded that is correct. Director Sichler asked if it looked like the project might be completed this year and Mr. Casuga said everyone is pushing really hard to try and get it in this year, however, in discussion with other staff, it is best to not rush. He said they are keeping March 2017 date for the irrigation season in perspective and he said it is an old structure; they only want to take the water out one time and get it done right.

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

- a. Presentation on the US Fish & Wildlife Service’s Issuance of the Middle Rio Grande Water Management & Maintenance Activities Biological Opinion – December 5, 2016 – Dr. Charles T. DuMars & Patrick Redmond, Law & Resource Planning Associates & Mike Hamman MRGCD CEO

Mr. Redmond began his presentation by relating several bullet points on “What is a Biological Opinion (BiOp)?” and the differences in the 2016 BiOp and the 2003 BiOp. He then gave a brief review of what was entailed in getting to the new BiOp between the years of 2012 and 2016 including the Biological Assessment (BA) Partners (Reclamation, MRGCD, State/ISC and the BIA) all taking a different approach in analyzing the action-by-action analysis of effects, distinction between offsets and conservation measures and the MRGCD and State/ISC enactments before BA submittal to the Fish & Wildlife Service (Service) on August 31, 2015. Mr. Redmond stated that when the draft BiOp was issued on September 13, 2016, the Service essentially gave the BA partners a month to comment and this is a short period of time for a complex document. He said the BA partners, including himself and Mr. Gensler worked very hard on putting together the comments for submission to the Service. He said the Service took about six weeks to revise the document and issued the final 2016 BiOp on December 2, 2016. Mr. Redmond then gave an overview of the 2016 BiOp and the key issues in the push to a final BiOp. He gave details on where the BA Partners landed with the 2016 BiOp and most importantly he reiterated that there would be no interruption in operations; the MRGCD can continue to divert and deliver water to irrigators. Mr. Redmond then gave a review of what might be expected with regards to the effect on litigation in the WildEarth Guardians v. USBOR and BiOp implementation with the Middle Rio Grande Endangered Species Collaborative Program.

Mr. Hamman said Mr. Redmond and Mr. Gensler gave a huge amount of credibility to this process and became the chief drafters in developing comments on behalf of the BA partners and they pushed hard on many fronts to develop the message and get the original draft in an acceptable format. He said he has invited Mr. Rolf Schmidt-Petersen, NM Interstate Stream Commission Rio Grande Basin Manager to speak to the Board regarding the message that went out to his organization this morning.

Mr. Schmidt-Petersen said he echoes what Mr. Hamman said regarding MRGCD staff and their input into the development of the Biological Assessment over the last four years. He said through the overall efforts of the BA partners they have a final Biological Opinion; while different than anyone expected, it was with the aspect of protecting the river. He then gave a brief synopsis of the discussion at the ISC meeting this morning.

Mr. Hamman said the partnership with all the BA partners is strong from the standpoint of all the commitments made in the BA and it will be incumbent on all the partners to work with the NM Congressional delegation in requests for funding. He said with the BO there are three primary things that are of importance 1) they have gotten the Service essentially out of the water management and operations business, 2) achieved getting scientifically based adaptive management for the entire program and 3) working diligently towards a Recovery component. Mr. Hamman said he thinks it would be good to take some kind of action today by the Board in the form of a motion in accepting the Biological Opinion and also in moving forward with the implementation as outlined in the Biological Assessment. Discussion followed on whether this should be a motion or a resolution.

Director Kelly said on another matter that everyone is so concerned about the winter release of the Prior & Paramount water and Mr. Schmidt-Petersen explained the background for the decision and process. Director Sichler asked where the ISC stands on the Compact and he responded that for 2016 they could have a deficit of up to 10,000 ac-ft. to the Compact and he went on to give additional comments on accounting of Compact water.

Director Oglesby made the **MOTION THAT THE MRGCD HEREBY ACCEPTS DELIVERY OF THE 2016 BIOLOGICAL OPINION, ACKNOWLEDGES THAT IT IS FAR SUPERIOR TO THE 2003 BIOLOGICAL OPINION, ACCEPTS ITS FINDING OF NO JEOPARDY AND PLEDGES TO PERFORM THE COMMITMENTS THE MRGCD MADE IN THE BIOLOGICAL ASSESSMENT.** Director Sichler asked for a legal opinion from Mr. Redmond on this motion and Mr. Redmond shared his opinion. Director Sichler seconded the motion. The **MOTION CARRIED** unanimously

## **AGENDA ITEM NO. 9 – REPORTS FROM THE BOARD OF DIRECTORS**

- a. Report – NWRA Conference – November 14-16, 2016 – Chairman Lente & Director Duggins

Vice-Chairman Duggins said the MRGCD has some problems, however, he discovered that other water districts have far greater problems. He said that he and Chairman Lente met with the USBOR and asked about the title transfer and in one meeting they met with several New Mexico water districts and there was discussion on the upcoming legislature and the potential Ivey-Soto bill. Mr. Hamman said the conference had several great presentations and he said there was a lot of angst relative to the change in administration and how they might have to deal with requests going forward and the future of Reclamation leadership and the direction they will take.

Director Oglesby made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUGGINS ON THE NWRA CONFERENCE – NOVEMBER 14-16, 2016.** Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- b. Report – Middle Rio Grande Pueblo Coalition Meeting – December 2, 2016 – Chairman Lente, Directors Oglesby & Duggins

Vice Chairman Duggins said most of the conversation during this meeting was the Ivey-Soto bill and there are a lot of people that do not know about this bill. He said they discussed about bringing all the water districts together to try and kill the bill and, the Pueblos are strong in their desire to kill this bill. Director Oglesby said the Pueblos are pleased with the continued improvement of the relationship. Mr. Hamman said there was also discussion on the Biological Opinion.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTORS OGLESBY & DUGGINS ON ATTENDANCE AT THE MIDDLE RIO GRANDE PUEBLO COALITION MEETING ON DECEMBER 2, 2016.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

- c. Report – Community Meeting Gates on MRGCD Ditch Banks – November 15, 2016 – Director Dunning & Ray Gomez. MRGCD Engineer Supervisor

Director Dunning reported the meeting was in the South Valley and was organized by Senator Padilla with assistance from Representative Romero. She said that one gate has already been installed and there are other gates in the plan and legislators are trying to get capital outlay funding. Director Dunning said the idea was to have a community meeting to see if this was something the residents really wanted and to move forward. She said that residents of the South Valley appreciate the work that Mr. Gomez has done. She said there are some residents that do have issues with the gates and they were there to listen to them. Director Dunning said one question that was consistently asked was if the MRGCD has a key policy and the Board may want to research this. She said she doesn't know if Senator Padilla will ask for capital outlay for the gates or if he will wait to see if the issues get resolved. Ray Gomez, MRGCD Engineer Supervisor gave his comments on the



meeting. Director Sichler asked questions regarding the MRGCD Gate Policy and discussion followed.

Director Oglesby made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUNNING ON THE COMMUNITY MEETING GATES ON MRGCD DITCH BANKS – NOVEMBER 15, 2016**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- d. Report – MRCOG Metropolitan Transportation Board Meeting – November 18, 2016 – Director Dunning

Director Dunning said the meeting was very interesting and the main thing on the agenda was the election of a Chair and Vice Chair and she explained the process the MRCOG Transportation Board uses and shared the names of the new leaders. She suggested that when the MRGCD COO position is filled, that might become a responsibility of that position. She also suggested that perhaps Mr. Gomez should attend the meetings and he responded that he is now attending the MRCOG TCC meetings.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUNNING ON THE MRCOG METROPOLITAN TRANSPORTATION BOARD MEETING – NOVEMBER 18, 2016**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- e. Report – MRGCD Legislative Committee Meeting – November 29, 2016 – Chairman Lente, Directors Dunning & Duggins

Director Dunning said the main topic of this meeting was the Ivey-Soto bill and while the committee members do not agree with the bill as presented in the last legislative session, there is one part where there is disagreement and that is with changing the date of the election. She said their strategy would be to try and oppose it by saying this is a major change and it impacts many elected bodies and should go through a process with an interim committee that would give it thoughtful consideration. She said they also briefly discussed the trapping bill and when it is heard they are not trying to kill the bill, but amended so that it doesn't include MRGCD lands. Director Dunning said they also discussed the capital outlay. Director Oglesby said that Mr. Thompson, MRGCD lobbyist might want to think about the best way to approach Senator Ivey-Soto regarding the election bill. Director Duggins said he concurs with Director Dunning's report. Director Sichler said this bill would cost many affected agencies a significant amount of money and maybe the State should throw some money at it if they want to pay for it.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTORS DUNNING & DUGGINS ON THE MRGCD LEGISLATIVE COMMITTEE MEETING – NOVEMBER 29, 2016**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- f. Report – Middle Rio Grande Flood Control Authority Annual Breakfast – December 6, 2016 – Chairman Lente, Directors Dunning & Kelly

Director Kelly said they heard reports from state, local and Federal water agencies on the Rio Grande and Mr. Hamman did a good job of reminding everyone of the willingness to cooperate in flood control as long as the exemption to the EPA Stormwater Quality standards was maintained. He said the Colonel from the Corps gave a presentation on progress on the San Acacia levee and he took that opportunity to remind Mr. D'Antonio that the letter of Map Revision needed to be done in coordination with the MRGCD consultant and the Corps construction team. Director Dunning said the Corps declined to fund the Montano Levee and the MRGCD may do some project management and she asked Mr. Hamman about the removal of cottonwood trees and Mr. Hamman said the MRGCD would be hired by the City to manage construction and attempt to minimize cottonwood removal. Director Kelly explained to the new Board members about the Montano Levee and that there is not an MRGCD easement on that side of the river so it is not the responsibility of the MRGCD.

Director Sichler made the **MOTION TO APPROVE THE REPORT BY DIRECTORS DUNNING & KELLY ON THE REPORT REGARDING THE MIDDLE RIO GRANDE FLOOD CONTROL AUTHORITY ANNUAL BREAKFAST – DECEMBER 6, 2016**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

- g. Report – MRGCD Water Protection Committee Meeting – December 8, 2016 – Chairman Lente, Directors Oglesby & Sichler
- h. Report – MRGCD Audit Committee Meeting – December 8, 2016 – Directors Sichler & Romero

Director Sichler said there is nothing new to report on the above agenda items.

Director Kelly made the **MOTION TO APPROVE THE REPORTS BY DIRECTORS OGLESBY & SICHLER ON THE MRGCD WATER PROTECTION AND AUDIT COMMITTEE MEETINGS – DECEMBER 8, 2016**. Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

#### **AGENDA ITEM NO. 10 – EXECUTIVE SESSION**

- a. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)7)
  - 1. Threatened or Pending Litigation
- b. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)2)
  - 2. Limited Personnel Matters

Vice Chairman Duggins requested a motion to move into Executive Session.

Director Dunning **MADE THE MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7) & (SECTION 10-15-1(H)2)**. Director Oglesby seconded the motion.

Vice-Chairman Duggins requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Vice-Chairman Duggins adjourned the meeting at 5:20 pm.

Vice-Chairman Duggins reconvened the meeting at 5:50 pm.

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

Vice-Chairman Duggins requested a roll call vote:

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

The **MOTION CARRIED** unanimously.

Vice-Chairman Duggins said for the record that only discussion was had and no action was taken.

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

The meeting was adjourned at 5:53 pm.

Approved to be the correct Minutes of the Board of Directors of December 12, 2016.

**Attested:**

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David M. Ferguson  
Secretary/Treasurer

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Glen Duggins, Vice-Chairman  
MRGCD Board of Directors