

**MINUTES OF THE
THREE THOUSAND THIRD REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
February 13, 2017**

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

DIRECTORS:

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

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Dr. Charles T. DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Doug Strech	GIS Supervisor
Lorenzo Benavidez	Socorro Division Manager
Christine Nardi	HR Director
Jason Casuga	Engineer I
Alicia Lopez	Engineering Technician

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

Ernie Marquez, Automated Election Services John Thompson, MRGCD Lobbyist Jeff Willis, AMAFCA Sandra Lucero, BIA Viola Sanchez, BIA	Gary Stansifer, OSE Jennifer Faler, USBR Michael T. Sandoval, Pueblo of San Felipe Pat McCraw, South Valley Ink
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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 Ernie Marquez of Automated Election Services lead the Pledge of Allegiance.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Vice-Chairman Duggins called for approval of the Agenda. Mr. Hamman requested that item 10-f be postponed until the March 13, 2017 board meeting. Mr. Fergeson advised the Board that Lee Baldwin will be presenting the Audit Report; Mr. Wayne Brown was unable to attend.

Director Kelly made the **MOTION TO APPROVE THE FEBRUARY 13, 2017 AGENDA AS MODIFIED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

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

- a. Consideration / Approval of Payment Ratification – February 13, 2017

Vice-Chairman Duggins called for approval of the February 13, 2017 Payment Ratification.

Director Dunning made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF FEBRUARY 13, 2017 AS PRESENTED**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

b. Consideration / Approval of January 2017 Invoice for Wiggins, Williams & Wiggins

Vice-Chairman Duggins called for approval of the January 2017 invoice for Wiggins, Williams and Wiggins. There were no questions from the Board on the invoice.

Director Romero made the **MOTION TO APPROVE THE JANUARY 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

c. Consideration / Approval of January 2017 Invoice for Law & Resource Planning Associates

Director Kelly asked for an update on Acequia de Las Norteñas

Dr. DuMars and Mr. Hamman explained that there are on-going discussions to try to set up a system to allow "wet" Horse Lake water to be stored in El Vado on behalf of Acequia Norteñas to provide options to meet shortages to the Rio Chama Acequias to prevent a priority call above El Vado Dam. Discussions between the parties, the State and the District will continue to address measurement, accounting and Compact related issues.

Vice-Chairman Duggins called for approval of the January 2017 invoice for Law & Resource Planning Associates. There were no questions from the Board on the invoice.

Director Dunning made the **MOTION TO APPROVE THE JANUARY 2017 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES AS PRESENTED**. Director Kelly 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 – February 13, 2017

Vice-Chairman Duggins called for approval of the minutes for the Regular Board Meeting February 13, 2017. Director Dunning had one correction.

Director Oglesby made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 13, 2017 AS AMENDED**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – UPDATE 2017 NM STATE LEGISLATURE – John Thompson, MRGCD Lobbyist

Mr. Thompson gave his report regarding House Bill 174 that consolidates non-partisan elections on odd numbered years and sets a November date for these elections impacting the District's elections starting in 2023. This bill passed the Local Government and Land Grant Committee and was next scheduled in House Judiciary. The Board discussed the Bill in detail and arrived at a majority consensus that directed Mr. Thompson and Mr. Hamman to express to the House Judiciary Committee and its membership that the District has concerns with the November election date and other implementation issues but is not against the efforts to consolidate elections for higher voter turnout and a better informed electorate under the assumption that our qualified electorate remains as is in the Bill.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE 2017 ELECTION DIRECTOR – Ernie Marquez, Automated Election Services

Mr. Marquez explained he is requesting from the Board approvals on the 2017 Election Forms and his memo on compensation for judges and poll workers for the 2017 election.

a. Consideration / Approval of 2017 MRGCD Election Forms

Mr. Marquez gave a brief review of the items on the forms. Director Kelly requested that the petition forms be in an 8 ½ x 11 format.

Director Romero made the **MOTION TO APPROVE THE 2017 BOARD OF DIRECTOR'S ELECTION FORMS AS MODIFIED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 7 – FY 15/16 MRGCD AUDIT REPORT - Mr. Lee Baldwin, RCCI & Company

Mr. Baldwin presented the District's FY 15/16 Audit Report stating that his firm found our financial statements to be in excellent order with no management or policy concerns. He stated that there was a repeat finding again this year concerning small purchases occurring without the timely issuance of a purchase order in advance of the transaction. This is a not a major concern as it is their opinion that management is taking appropriate steps to correct this practice. The District again received an unqualified (clean) audit for this fiscal year.

AGENDA ITEM NO. 8 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

No Items from the Floor

AGENDA ITEM NO. 9 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

a. Bureau of Reclamation – Jennifer Faler, Area Manager

1. Heron Summary

Content = 67,238 ac-ft. (2/9)
 Azotea Tunnel: 15-20 cfs
 Total SJ-C inflow year-to-date: 66 ac-ft.
 Currently releasing: 30 cfs
 Current MRGCD storage: 0 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 2/9:
49,997 ac-ft.
- B. Native in El Vado
5,608 ac-ft.
- C. MRGCD SJ-C storage in El Vado
37,011 ac-ft.
- D. P & P
0 ac-ft.
- E. EDWA:
0 ac-ft.
- F. All other SJ-C contractors:
7,378 ac-ft.

Current release is 100 cfs RG Inflow is 100 cfs

3. Storage in Abiquiu

Content = 121,887 ac-ft. (2/9)
 MRGCD SJ-C storage = 0 ac-ft.

Total water for minnow released to date in 2017: 0 ac-ft.

Snowpack Data:
As of 2/10/17 (% of median)

Rio Chama Basin.....169%
Upper Rio Grande Basin.....148%
Sangre de Cristo Basin.....128%
Jemez Basin.....121%
San Juan River Basin.....146%

February Streamflow Forecast

Rio Grande @ Del Norte CO 600,000 ac-ft. (117%)
El Vado Reservoir Inflow (Mar-Jul) 380,000 ac-ft. (169%)
Rio Grande @ Otowi 1,080,000 ac-ft. (150%)
Jemez R. below dam 40,000 ac-ft. (117%)
Rio Grande @ San Marcial 820,000 ac-ft. (161%)

Ms. Faler gave her report on Bureau of Reclamation activities related to District interests.

- b. Bureau of Indian Affairs – Ms. Sandra Lucero gave her report on BIA activities and she introduced Ms. Viola Sanchez as the new Designated Engineer that will work with the District on the operations and maintenance of MRG Pueblos’ irrigation facilities. Ms. Lucero was thanked by the Board and the CEO for her service during the past two years as Acting Designated Engineer.

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

- a. Bid Abstract – Jeanette Bustamante, MRGCD Administrative Officer

REQUESTING BOARD APPROVAL FOR ALBUQUERQUE DIVISION: After thorough review MRGCD staff is requesting approval for a 1 (one) ton field crew supervisor truck with utility bed and a 1/2 ton ISO truck, and recommending award to Power Ford, per NM State Pricing Agreement #70-000-16-00002

VENDOR		2017 1 TON 4X4 TRUCK W/ UTILITY BED		UNIT COST	GRAND TOTAL
Power Ford	MAKE Ford	MODEL F350		\$42,616.00	\$42,616.00
VENDOR		2017 1/2 TON PICK UP TRUCK 4X4		UNIT COST	GRAND TOTAL
Power Ford	MAKE Ford	MODEL F150		\$30,371.00	\$30,371.00

REQUESTING BOARD APPROVAL FOR BELEN DIVISION: After thorough review MRGCD staff is requesting approval for a 1 (one) ton 4x4 cab & chassis truck and 2 (two) 1/2 ton ISO trucks, and recommending award to Power Ford, per NM State Pricing Agreement # 70-000-16-00002.

VENDOR		2017 1 TON PICK UP TRUCK 4X4 CAB & CHASSIS		UNIT COST	GRAND TOTAL
Power Ford	MAKE Ford	MODEL F350		\$37,864.00	\$37,864.00
VENDOR		2017 1/2 TON PICK UP TRUCK 4X4		UNIT COST 2 EA	GRAND TOTAL
Power Ford	MAKE Ford	MODEL F150		\$30,371.00	\$60,742.00

REQUESTING BOARD APPROVAL FOR SOCORRO DIVISION for a 3/4 ton mechanics truck, and after thorough review, staff is recommending award to Power Ford for a 2017 F250 4x4 with a utility bed, per NM State Pricing Agreement #70-000-16-00002.

VENDOR	2017 3/4 TON 4X4 TRUCK		UNIT COST	GRAND TOTAL
Power Ford	MAKE Ford	MODEL F250	\$38,775.00	\$38,775.00

Director Kelly asked if it would be the Board's pleasure to go forward with the award.

Vice-Chairman Duggins called for approval of the MRGCD trucks as recommended by staff. Director Kelly made the **MOTION TO APPROVE THE PURCHASE OF DISTRICT TRUCKS THROUGH NM STATE PRICE AGREEMENT AS RECOMMENDED BY STAFF.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

b. Water Report – David Gensler, MRGCD Water Operations Manager

Mr. Gensler discussed the snowpack conditions stating that it looks very encouraging for this time of year. He further discussed that if the snowpack holds we may see high runoff conditions for five or six weeks providing a potential for flooding concerns as well as the potential for storing at El Vado out of Article VII Compact restrictions with a target of retaining around 80,000 a-f if the timing of peak run versus releases from Elephant Butte works out.

c. MRG Adaptive Management Program – Mike Hamman, MRGCD CEO and David Gensler, Water Operation Manager

Mr. Hamman and Mr. Gensler discussed the two-day meeting held on February 1 – 3, 2017 stating that this meeting was in part designed to help move toward a science-based adaptive management approach for the MRG Collaborative Program and that the science panel assembled would provide a report of its findings.

d. Consideration/Approval of Revision to Rule 23 – Water Bank – Mike Hamman, MRGCD CEO & MRGCD Irrigation/Water Bank Committee

After a brief explanation of the revision to Rule 23 to clarify available storage as designated for Water Bank purposes, the Board took action as follows:

Vice-Chairman Duggins called for approval of the Revision to Rule 23 – Water Bank. Director Kelly made the **MOTION TO APPROVE RULE 23.** Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

e. Presentation/Review of Draft Resolution M-02-13-17-147 MRGCD Endorsement of the Alameda Drain Trails Master Plan –Yasmeen Najmi, MRGCD Planner

After a presentation by Ms. Najmi and discussion, Director Kelly provided recommended changes to be incorporated in the resolution for consideration and formal approval by the Board at the March 13 meeting.

f. Presentation/Update on Water SMART Grants on Drought Contingency Plan & MRG Basin Study –

Discussion was deferred for the March 13, 2017 Board Meeting

g. Discussion on Finalizing Information Meeting for Agendas, Locations & Outreach – Mike Hamman, MRGCD CEO

An agenda for the Socorro meeting as well as the schedule and proposed locations for the Valencia and Bernalillo counties meetings was presented to the Board and concurrence was obtained.

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

- a. Update on Pending Water Rights Applications – Dr. Charles T. DuMars, MRGCD Chief Water Counsel

Mr. DuMars gave an update on the San Augustin Plains application and stated we were still on the list as a protestant in the process that is bogged down due to staffing issues at the OSE. He also stated that the District should consider weighing in on an application to move pre-1907 from Socorro County to Rio Rancho as a groundwater offset and will be discussed in executive session.

- b. Update on Legal Analyses Regarding HB174 on District Election Procedures – MRGCD Chief Water Counsel

Mr. DuMars explained the principles outlined in the Memorandum he provided the Board.

AGENDA ITEM NO. 12 – REPORTS FROM THE BOARD OF DIRECTORS

- a. Report – Representative Ruiloba’s South Valley Community Event – January 25, 2017 – Director Dunning

Director Dunning reported on her attendance at the meeting as a representative of the District.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUNNING ON REPRESENTATIVE RUILOBA’S SOUTH VALLEY COMMUNITY EVENT JANUARY 25, 2017**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- b. Report – MRCOG Water Resource Board Meeting – February 1, 2017 – Director Oglesby

Director Oglesby reported on two presentations by MRGCD to the MRCOG Board, one by Anne Marken on the MRG Drought Management Plan and Basin Study and the other a report on the Texas v. New Mexico Supreme Court litigation by Mr. Oglesby.

Director Dunning made the **MOTION TO APPROVE THE REPORT BY DIRECTOR OGLESBY ON MRCOG WATER RESOURCE BOARD MEETING February 1, 2017**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- c. Report – MRGCD Irrigation/Water Bank Committee Meeting w/Elephant Butte Irrigation District’s Executive Committee – February 10, 2017, Directors Sichler & Duggins

Directors Duggins and Mr. Hamman reported that the meeting held with EBID was productive as the two Districts discussed a number of issues that we can work on together that may be mutually beneficial in the future.

Director Dunning made the **MOTION TO APPROVE THE REPORT BY DIRECTOR DUGGINS AND MR. HAMMAN – ON MRGCD IRRIGATION/WATER BANK COMMITTEE MEETING WITH ELEPHANT BUTTE IRRIGATION EXECUTIVE COMMITTEE February 10, 2017**. Director Kelly seconded the motion. The **MOTION CARRIED** unanimously.

- d. Report – MRGCD Personnel Committee Meeting – February 13, 2017 – Directors Dunning, Oglesby & Romero

The Personnel Committee reported out on their discussions related to the pay equalization and wage rate study that staff is working on for District employees.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTORS DUNNING, OGLESBY AND ROMERO – MRGCD PERSONNEL COMMITTEE MEETING FEBRUARY 13, 2017, AND NOTED THAT THE CONTENT MATTER OF THAT REPORT WILL BE COVERED IN CLOSED**

SESSION, AS IT WAS FOR LIMITED PERSONNEL MATTERS. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 13 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act, (Section 10-15-1(H)7)
 - 1. Threatened or Pending Litigation
- b. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Limited Personnel Matters
 - a. Review of CEO's Annual Performance

Vice-Chairman Duggins requested a motion to move into Executive Session at 5:40 pm.

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

Vice-Chairman Duggins requested a roll call vote:

Director Dunning	Yes	Director Romero	Yes
Director Oglesby	Yes	Vice Chairman Duggins	Yes
Director Kelly	Yes		

The **MOTION CARRIED** unanimously.

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

Director Kelly **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION.** Director Oglesby seconded the motion.

Vice-Chairman Duggins requested a roll call vote:

Director Dunning	Yes	Director Romero	Yes
Director Oglesby	Yes	Vice Chairman Duggins	Yes
Director Kelly	Yes		

The **MOTION CARRIED** unanimously.

Vice Chairman Duggins reconvened the regular meeting at 6:30 pm.

Vice Chairman Duggins said for the record that only discussion was had and no action was taken, and that Agenda 13(b)(1)(a) has been deferred to the March 13, 2017 Regular Board Meeting.

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

The meeting was adjourned at 6:32 pm.

Approved to be the correct Minutes of the Board of Directors of February 13, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

Glen Duggins, Vice-Chairman
MRGCD Board of Directors