

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

Directors having been duly notified, Director Oglesby 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	
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
Ray Gomez	Engineer Supervisor
Sloan Washburn	Belen Division Manager
Anne Marken	Hydrology Technician I
Jason Casuga	Engineer I

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

Jeff Willis, AMAFCA Gary Stansifer, OSE Pat McCraw, South Valley Ink Frank Chaves, Pueblo of Sandia	
--	--

**AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE**

Director Oglesby requested Board consensus to Chair the meeting until the Vice-Chairman arrives. Director Oglesby continued and welcomed the guests and declared a quorum.

Director Oglesby asked Director Romero to lead the Pledge of Allegiance.

**AGENDA ITEM NO. 2 – MOMENT OF SILENCE FOR BRIAN LANG AND CHRISTOPHER HOLLAND**

A moment of silence was held for the two men that lost their lives on March 1, 2017 while trying to save a dog and then themselves in the Albuquerque Main Canal just north of Hwy 550. Director Oglesby noted this untimely tragedy and unfortunate occurrence within a District facility and also recognized Mr. Lang's career accomplishments with the Department of Game and Fish. Director Dunning asked staff if the "Ditches Are Deadly" program could add warnings regarding the cold swift water in District canals during the startup period. Mr. Hamman stated that would be looked into.

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

Director Oglesby called for approval of the Agenda.

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

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

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

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

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

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

Director Romero made the **MOTION TO APPROVE THE FEBRUARY 2017 INVOICE FOR LAW & RESOURCE PLANNING ASSOCIATES AS PRESENTED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- d. Consideration / Approval of Bosque Patrol. Vehicle

**MEMORANDUM**

**To:** Chairman Lente and Directors  
Mr. Hamman, Chief Engineer/CEO

**From:** David Fergeson, Secretary-Treasurer *DMF*

**Date:** March 9, 2017

**Re:** Replacement of Patrol Officer Unit

On November 15, 2016 John Romero, MRGCD Patrol Officer was involved in an automobile accident and his unit was determined to be a total loss. The police did not cite either of the drivers, so therefore it became a no fault incident. The claim for damages was submitted to our Insurance Carrier One Beacon through the MRGCD Automobile Policy. On January 31, 2017 we received notice and a settlement check for the loss in the amount \$32,605.00, and in addition received \$1,000 deductible reimbursement for a total settlement amount of \$33,605.00. Below is a breakdown for the original 2016 F150 4x4 Truck purchase and the proposed replacement cost for a 2017 Ford F-150 4x4 Extended Supercab Truck.

2016 UNIT – TOTALED 11/16/2017		INSURANCE SETTLEMENT	REQUESTED 2017 REPLACEMENT	
Rich Ford F-150 Extended Supercab, 4x4	\$32,332.00	\$33,605.00	Power Ford F-150 Extended Supercab, 4x4	\$30,936.50

Including Options			Including Options	
-------------------	--	--	-------------------	--

Staff is requesting consideration and authorization to apply the Insurance Settlement toward the purchase of the 2017 replacement Ford F-150 Truck. The District will have a cash savings of \$2,668.50 from what we paid in 2016; Settlement received and the cost to purchase a new 2017 Truck.

Vice-Chairman Duggins called for approval of the Replacement Bosque Patrol Unit that was totaled and purchase with the insurance settlement.

Director Dunning made the **MOTION TO APPROVE THE REPLACEMENT BOSQUE PATROL UNIT 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 – 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 Kelly made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FEBRUARY 13, 2017 AS AMENDED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

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

Mr. Thompson was unable to attend the Board Meeting last week of the 2017 Legislature but Mr. Hamman gave a brief update on the status of HB174 and SB350.

#### **AGENDA ITEM NO. 6 – ITEM FROM THE FLOOR**

Pat McCraw spoke in favor of verbatim printed minutes and is asking that the District conduct a poll of its constituents to protect the land-based voting methods with voter ID.

#### **AGENDA ITEM NO. 7 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR**

- a. Reports from the US Department of Interior – Jennifer Faler – Was not present.  
Following is the BoR Water Report for March 9, 2017

1. Heron Summary

Content = 68,203 ac-ft (3/9)  
Azotea tunnel: 40-50 cfs  
Total SJC inflow year-to-date: 1,983 a.f.  
Currently releasing 50 cfs  
Current MRGCD storage: 0 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 3/9:  
55,498 ac-ft.  
B. Native in El Vado  
16,654 ac-ft.  
C. MRGCD's SJ-C storage in El Vado  
36,995 ac-ft.  
D. P & P: 0 ac-ft  
E. EDWA: 0 ac-ft  
F. All other SJ-C contractors: 1,849 ac-ft

Current release is 300 cfs    RG Inflow is 200-250 cfs

3. Storage in Abiquiu

Content = 124,227 ac-ft (2/9)  
 MRGCD's SJ-C storage= 0 ac-ft

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

Snowpack Data:

As of 3/10/17 (% of median)

Rio Chama Basin.....	156%
Upper Rio Grande Basin.....	139%
Sangre de Cristo Basin.....	102%
Jemez Basin.....	96%
San Juan River Basin.....	139%

March Streamflow Forecast

Rio Grande @ Del Norte CO	610,000 ac-ft (118%)
El Vado Reservoir Inflow (Mar-Jul)	380,000 ac-ft (169%)
Rio Grande @ Otowi	960,000 ac-ft (133%)
Jemez R. below dam	30,000 ac-ft (88%)
Rio Grande @ San Marcial	695,000 ac-ft (136%)

b. Reports from BIA Designated Engineer, Viola Sanchez – Not Present

**AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER (Michael A. Hamman, MRGCD CEO/CE)**

a. Replacement Election Officer – Mr. Hamman recommended that Ms. Jeanette Bustamante serve at the MRGCD Elections Officer through the 2017 election cycle.

Vice-Chairman Duggins called for approval of Replacement Election Officer, Jeanette Bustamante as recommended by staff. Director Kelly made the **MOTION TO APPROVE THE REPLACEMENT ELECTION OFFICER AS RECOMMENDED BY STAFF**. Director Sichler seconded the motion. The **MOTION CARRIED** unanimously.

b. Water Report – David Gensler, MRGCD Water Operations Manager  
 Mr. Gensler gave an overview of the water supply situation stating that the snowpack remains intact despite recent warming trend. Streamflows are up above normal for this time of year and are expected to stay relatively high for several weeks even prior to peak runoff. There are concerns regarding flooding potential and the District will be commencing “levee patrols” as the runoff unfolds. We are not sure what the channel capacities are following this prolonged drought period. He went on to say that irrigation startup is going well with some of the usual issues encountered but that the District is prepared to start delivering to water with scheduled irrigators in most areas.

c. Review/Approval of Resolution M-03-13-17-147 MRGCD Endorsement of the Alameda Drain Trails Master Plan.

Mr. Hamman gave a brief overview of the changes to the Resolution since the Board’s last review and recommended approval by the Board. Some additional changes were recommended by Director Kelly and Counsel DuMars that were approved.

Vice-Chairman Duggins called for approval of Resolution M-03-13-17-147 MRGCD Endorsement of the Alameda Drain Trails Master Plan as recommended by staff.

Director Kelly made the **MOTION TO APPROVE RESOLUTION M-03-13-17-147 MRGCD ENDORSEMENT OF THE ALAMEDA DRAIN TRAILS MASTER PLAN AS RECOMMENDED BY STAFF.** Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- d. Water SMART Grant on Drought Contingency Plan and MRG Basin Study – Mr. Hamman introduced the presentation by reviewing the purpose and status of the grant and basin study. Ms. Anne Marken proceeded with a detailed report regarding the recent activities she is leading to garner interest and support for the “scope of work” the District will issue for consulting services under the Drought Contingency Plan. She went on to explain the status of the “plan of study” that precedes the application for the basin study funding but that all this work will be applied to the larger basin study effort. She announced that the Bureau of Reclamation has selected the District under its Letter of Interest to develop a proposal for the Upper Rio Grande Basin Study due in late April.
- e. Family Farm Alliance Conference – Mr. Hamman provided details regarding his attendance at the annual conference stating that it was very informative regarding the state of affairs in Washington DC during the new administration’s transition among several other topics of interest to the District including efforts to streamline title transfer requests both in Congress and at Reclamation.
- f. Announcement of the Rio Grande Compact Meeting on April 4-5, 2017 – Mr. Hamman invited the Board to attend the annual meeting that includes a reception co-hosted by MRGCD the evening before.
- g. Approved Licenses for February 2017- One item (license number 3 on memo in the packet) was highlighted by Director Kelly as referring to a “sanitary sewer line” when it should have read a “communications cable”. Staff indicated that was a typo carried through from a previous license list.
- h. Irrigation After Water Rights are Sold – Director Dunning raised a concern regarding the way reports of illegal irrigation from constituents are being handled. She suggested that any reports of this nature should be kept confidential and discretely investigated by senior staff to prevent neighbor-on-neighbor disputes as much as possible. Further discussion ensued with a request to staff to develop an operating procedure that maintains the confidentiality of persons that report water use violations.
- i. Schedule of Finance Committee Meeting – Director Kelly requested a meeting of the Finance Committee prior to March 28<sup>th</sup> as he was going to out of country for an extended period. The Committee agreed to meet on March 27<sup>th</sup> at 5:30 pm.
- j. Discussion of changing Board Meetings to once a month – Director Romero requested discussion of this previously tabled matter. Discussion was had with a couple of options proposed and it was agreed to have the matter formally brought to the next Board meeting on April 10, 2017.

**AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)**

a. Report on the Rio Rancho/Bosque del Sol Water Rights Transfer Protest by MRGCD – Dr. DuMars pointed out that the protest the District filed was in the Board’s packet and speaks to a technical problem regarding the quantity of pre-1907 water rights the transferee is proposing. The protest further discussed that rights that are leaving the District are creating a loss of revenue as well as diminishing the agricultural base of the District. He went on to say that he and Mr. Hamman has met with officials at Rio Rancho to further explain the District’s position and offering to engage in discussions regarding this and future transfers of this nature in regards to long-term impacts to the District and the basin. They thanked us for taking the initiative to meet and seemed receptive to further dialogue with the District.

**AGENDA ITEM NO. 10 – REPORTS FROM THE BOARD OF DIRECTORS**

- a. Socorro Informational Meeting February 27, 2017, Directors Sichler & Duggins gave a brief report on the turnout and discussions at this event and stated generally that it was well received by the community.

Director Dunning made the **MOTION TO APPROVE THE REPORT BY DIRECTOR SICHLER AND DUGGINS FOR THE SOCORRO INFORMATIONAL MEETING FEBRUARY 27, 2017**. Director Oglesby seconded the motion. The **MOTION CARRIED** unanimously.

- b. Pueblo Coalition Meeting 3-2-2017, Director Oglesby gave a brief report on the discussions that centered around water supply and P&P storage in El Vado that could be released to assist in getting the system out of Article VII of the Rio Grande Compact, thus allowing the District to store native water unrestricted by the Compact.

Director Kelly made the **MOTION TO APPROVE THE REPORT BY DIRECTOR OGLESBY ON THE PUEBLO COALITION MEETING MARCH 2, 2017**. 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 5:49 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 Sichler	Yes
Director Oglesby	Yes	Director Romero	Yes
Director Kelly	Yes	Vice Chairman Duggins	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 Sichler	Yes
Director Oglesby	Yes	Director Romero	Yes
Director Kelly	Yes	Vice Chairman Duggins	Yes

The **MOTION CARRIED** unanimously.

Vice Chairman Duggins reconvened the regular meeting at 6:02 pm.

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

**AFTER EXECUTIVE SESSION** Director Kelly **MADE A MOTION TO APPROVE A 5% SALARY INCREASE TO MR. HAMMAN FOR A JOB WELL DONE.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

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 6:04 pm.

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

**Attested:**

\_\_\_\_\_  
David M. Fergeson  
Secretary/Treasurer

\_\_\_\_\_  
Glen Duggins, Vice-Chairman  
MRGCD Board of Director