

**MINUTES OF THE  
2,171<sup>st</sup> REGULAR MEETING  
OF THE  
BOARD OF DIRECTORS OF THE  
MIDDLE RIO GRANDE CONSERVANCY DISTRICT  
JANUARY 11, 2021**

**COVID-19 Response: This meeting was held telephonically.  
The Office is Closed to the Public**

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:06 pm at the MRGCD General Office. The following Directors and Staff were present:

<b>DIRECTORS</b>		<b>STAFF</b>	
Karen Dunning, Madam Chair	Present	Mike Hamman	Chief Engineer/CEO
Joaquin Baca, Vice-Chair	Present	Dr. Chuck DuMars	Chief Water Counsel
John Kelly, Director	Present	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	Jason Casuga	Engineer Manager
Michael T. Sandoval, Director	Present	Pamela Fanelli	Secretary-Treasurer
Barbara Baca, Director	Present	David Gensler	Water Operations Manager
Stephanie Russo Baca, Director	Present	DeAnna Philips	GIS Tech/Board Liaison

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

Viola Sanchez, BIA	Francesca Shirley, MRGCD
Ernie Marquez, Automated Election Services	Estella Gamboa, MRGCD
Glen Duggins, Lemitar	John Thompson, MRGCD Lobbyist
Gordon Herkenhoff, San Acacia	Casey Ish, MRGCD
Elaine Padilla, Lemitar	Adrienne Martinez, MRGCD
Brian Martinez, Belen	Rebecca Thompson, MRGCD
Anders Lundahl, NMISC	Mike Apodaca, MRGCD
Michele Olson, OSE	Mike Lopez, MRGCD
Page Pegram, NMISC	Marie Vandergeest, MRGCD
Peter Rice	Dirck Ortiz, MRGCD
Sonny Cooper	Jessie Patterson, MRGCD
Chris Sichler, San Antonio	Martin Baca
Craig Hoover, Bohannon Huston Inc.	Rita & Eli Gutierrez
Mark McCullers, NM United	Iliana (no surname given)
Yasmeen Najmi, MRGCD	Miguel Hidalgo
Brian Lopez, Bernalillo County Public Works	Phil Bredfeldt

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

Director Moore led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum and noted that the meeting was publicly noticed. She noted that MRGCD is following the New Mexico Governor's health and safety guidelines. The meeting was held telephonically (telephone and on Zoom), with some Board Members and some staff present at the MRGCD main office and some Board Members on telephone/Zoom,

and other speakers and the public on the phone. Members of the public that called in were asked to identify themselves, identify their phone numbers, as well as note if they intended to address the Board under "Items from the Floor."

Since today's meeting is being held telephonically, all votes taken by the Board for today's meeting will occur via rollcall vote.

Because of a community presentation made by the newly-appointed Governor of San Felipe, Director Sandoval will dismiss himself from this MRGCD Board meeting after Item 11.a.

## **AGENDA ITEM NO. 2 – APPROVAL OF THE MRGCD BOARD MEETING AGENDA**

No changes or additions were made to the proposed agenda.

Director Kelly made the **MOTION TO APPROVE THE MEETING AGENDA**. Director Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

## **AGENDA ITEM NO. 3 – CONSIDERATION/APPROVAL OF 2021 OPEN MEETINGS ACT RESOLUTION, BD-01-11-21-51 - Mike Hamman, CE/CEO**

Madam Chair Dunning noted that the page that went out in the Board Meeting packet noted two MRGCD Board Meetings per month, which was corrected to one Board Meeting per month.

Director Kelly made the **MOTION TO APPROVE THE 2021 OPEN MEETINGS ACT RESOLUTION BD-01-11-21-51**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

## **AGENDA ITEM NO. 4 – CONSENT AGENDA**

- a) Consideration/Approval of Payment Ratification - January 11, 2021
- b) Consideration/Approval of December 2020 Invoice for Wiggins Williams & Wiggins

- c) Consideration/Approval of December Invoice for Law & Resource Planning Associates, PC
- d) Consideration/Approval of Minutes for Regular Board Meeting - December 14, 2020
- e) Consideration/Approval of Minutes for Special Board Meeting - December 22, 2020
- f) Discussion/Approval of 2021 MRGCD Holiday Schedule
- g) Memo on MRGCD Approved Licenses for December 2020 (For Informational Purposes Only)
- h) Discussion of Rule No. 30 Per Diem, Mileage and Expense Reimbursement regarding New Mileage Rates as of January 1, 2021

Director Moore made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

**AGENDA ITEM NO. 5 – REPORT ON WATER SUPPLY CONDITIONS AND GENERAL WATER OPERATIONS - David Gensler, Water Operations Division Manager**

David Gensler reported on the short water outlook today. We do have our first forecast of the year now. To no one's surprise, it's quite poor. January 1 forecast is 55% of average at Otowi gauge and 64% of average inflow to El Vado Reservoir, which translates to about 145,000-acre feet. For a comparison, the January 1 forecast at this time last year was for 90% of average at Otowi and 91% of average inflow to El Vado, or 205,000-acre feet. However, it's January, and things can and do change. January 1 numbers from last year were really pretty good numbers (nothing to be alarmed at), but by May, our forecast had declined to 36% of Otowi gauge and 36% inflow to El Vado. Although it can change, there does not appear to be much reason for optimism for this year. It appears we are facing a second very dry winter in a row, and it has been noted by the NRCS observers that soil moisture condition in both the Valley and the high country is very low. It is likely to absorb up a lot of runoff and any rain that might fall.

Kind of another whammy for us is the Rio Grande Compact. Preliminary accounting numbers are in, which are also poor. We finished up the year with what appears to be an accrued debit of 96,800-acre feet (upper limit of what we expected). Rio Grande project storage in Elephant Butte ended the year at about 127,000-acre feet with about 30,000-acre feet in Caballo. We're about 240,000-acre feet away for being out of Article 7 Restrictions. We should not expect to store any water normally in El Vado this year. That is probably okay since any Rio Grande water that would be stored in El Vado this year would have to be retained in storage and, thus, not be available for our use because of the Article 6 and Article 8 Restrictions.

The remaining 3,350-acre feet from last year's debit water storage is being moved to Elephant Butte this spring at the request of New Mexico Interstate Stream Commission. MRGCD

currently has no San Juan-Chama water, and there is about 7,500-acre feet of San Juan-Chama project water in Heron, which is at least a start of getting at the allocation for next year.

In short, the conditions are very bad, probably the worst Mr. Gensler has ever seen. We have had back-to-back dry years before, but we've never had a pair like this going into them with no reserve storage, and we've never been so far behind the Rio Grande Compact at the same time, at least in recent history. Barring miracles, our water users should expect periods of shortage to be a likely possibility this summer. We are pretty much going to be at the mercy of summer rains.

Mr. Gensler, upon questioning from Director Kelly, added that the 96,800-acre feet debit includes the water MRGCD used last summer. Had we not used that water last summer, it would probably be going down right now to help make up the deficit. MRGCD still owes the Water Utility Authority approximately 30,000-acre feet of water as well. Director Kelly reiterated that even if we could fill El Vado between the P&P water and the compact debt, we would not have room for our water anyway, to which Mr. Gensler agreed and added that 96,800-acre feet would need to be retained for 2022 Compact delivery.

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

##### **Glen Duggins**

Mr. Duggins farms in Lemitar, New Mexico. He believes that there is a big issue with water distribution and believes that water is not being distributed fairly and equitably. He feels water is taken from the bigger farms to provide for the smaller irrigators so that more people are taken care of. He believes the water at the new pump station is inefficient. He also does not believe that everyone is on the same page at the District, specifically the ditch riders. He added that he is not in favor of the water lease program and believes that MRGCD is competing as a government entity against the farmers. He requested that instead of the Board Members going up north and playing in the rapids to come down to the lower Valley to talk to the farmers to get a better understanding of what their needs are. He believes the Board Members are out of touch and disconnected. Mr. Duggins' time was up before he was able to finish his comments.

##### **Rita Gutierrez**

Rita Gutierrez is from Valencia County. She believes her experience is the opposite of Mr. Duggins in that she believes the water is taken from the smaller irrigators and provided to the big farms. She does not believe that water delivery is being handled fairly and equitably. She asked that ditch riders step up and be truthful and honest with all their constituents.

##### **Miguel Hidalgo**

Miguel Hidalgo has been a property owner in Valencia County for over 50 years. He understands the ongoing dilemma of water shortages and the District's responsibility to establish and manage water distribution practices during very difficult times. He believes it is

hard to understand seemingly inequitable distribution practices, which lead everyone to opposite directions in keeping the valley green. He had three issues: 1) fair and equitable water distribution; 2) water bank and water rights scheduling; and 3) verification of water bank and water rights properties.

Regarding fair and equitable water distribution, the drain ditch along his property, along the bosque was running and overflowing many times. He was told by the ISO, as early as June, that there would not be water for his property, of which he has water rights. The ISO told him the water had to be sent to the big guns and heavy hitters.

Regarding the water bank and water rights scheduling, he has just two acres that are on water bank. This past season, he watered it twice. After the water bank was curtailed, it opened up again, but nobody informed him, although he asked our ISO about status.

His last point is the verification of water bank and water rights properties. Over the years, he has been approached by attorneys and water bank brokers, asking if he wanted to sell his water rights. He noted there is an attempt to paint color coded turnouts when water bank is in use and water rights are in use, but he doesn't think this is properly regulated by the ISOs.

He thinks there needs to be more transparency for the public. Mr. Hidalgo's time was up before he was able to finish his comments

### **Gordon Herkenhoff**

Mr. Herkenhoff (a farmer in San Acacia since 1964) believes that a farmer is very difficult to be elected onto the MRGCD Board of Directors. There is a missing link between the Board and the farming community. He would like to see a committee or liaison between the Board and the farmers to allow farmer representation during the Board Meetings.

### **Pete Trevisani**

Pete Trevisani is from New Mexico United, the soccer team. He thanked the Board for its support and is looking toward the future. He continued with a background on the team. He would like to build a soccer-specific stadium near the downtown Albuquerque area, which would be used 365 days per year as a cultural center with restaurants. He would like the stadium to offer foods and items that are from New Mexico specifically.

## **AGENDA ITEM NO. 7 – PROPOSED CHANGES OF 2021 IRRIGATION SEASON**

- a) Consideration/Approval of Changing the Beginning of the 2021 Irrigation Season on April 1, 2021, in lieu of March 1, 2021 - Mike Hamman, CE/CEO, and David Gensler, Water Operations Manager

Mike Hamman began by acknowledging the statements made by Mr. Duggins, Mr. Herkenhoff, and Mr. Hidalgo regarding fair, equitable, and transparency of water management distribution

and scheduling. MRGCD knows there have been issues the last couple of water-short years, and there has also been turnover in the irrigation system operator area. MRGCD has identified a need to institute a field management position, through a reorganization that the board supported and he recommended, which will give us the staffing and supervision to get the service for scheduling, communications, and transparency that is needed by our farmers.

Mr. Mike Lopez has been promoted to the position of Water Distribution Division Manager, and Mr. Dan Clouser will be his Assistant Division Manager. They will work in close tandem with Mike Hamman and Mr. Gensler as we set up and manage for this-coming difficult water year.

MRGCD has several issues to plan and prepare for. One of them that is extremely important to the District is the availability of El Vado Reservoir. El Vado Dam is restricted because of dam safety issues, and we have been working closely over the last several years with the Bureau of Reclamation to get that dam into the Dam Safety Program in order for it to be repaired so that our full capacity of our water will be restored to us. Construction will begin the fall of 2021. During that time, the capacity of El Vado Dam will be further restricted, but through other efforts and through the 2020 Water Resource Development Act of the Corps of Engineers, our congressional delegation and lobbyists have helped us work with the City of Albuquerque, the Utility Authority, and the Bureau of Reclamation to get the ability to store in Abiquiu Reservoir while we're constructing El Vado Dam.

We are in a different time now. We have had successive drought years, and we have dipped into debit. We are within the allowable debit, which is 200,000-acre feet, which is the maximum allowable debit before New Mexico would go into a Compact violation. We are still operating within the confines of the Compact requirements. We ran into a tight spot last year, and we requested that the Compact Commission allow MRGCD to use the 36,000-acre feet that was already stored. The Commission took into account the harm that would occur to the farmers without having an additional storage supply, as well as concerns about major impacts due to the drying of the river and loss of the silvery minnow population. The Compact Commission agreed to approve the utilization of that debit supply, and we were able to squeak by with a decent water supply, at least through Labor Day, and then still had a little bit of water to work with to get us into early October.

MRGCD has the possibility of moving forward with another request for the utilization of some relinquishment credit that allows us to store, under advisement with the New Mexico Interstate Stream Commission, a certain quantity of water, even though we are not in accordance with Article 7 of the Compact. MRGCD has done that on a number of occasions throughout the last decade or so, and some of our water has been allocated for silvery minnow operations, purchased by the Bureau of Reclamation. It has been a very good water management tool, and we have used it on and off drought, and, we currently have somewhere in the vicinity of about 40,000-acre feet of relinquishment credit. It has never necessarily been used in this setting where there was also a debit owed by New Mexico under the Compact. By doing all that we can to comply with the commitment for paying back the debit and to also move as quickly as we possibly can to free up the use of our water reservoir for late season irrigation releases.

Mr. Hamman made a staff recommendation that MRGCD delay the irrigation season to April 1<sup>st</sup> and move to ramp up our startup operations much more quickly than we normally do. Typically, it takes three or four weeks, when we start up on a normal irrigation season on March 1 to really get the full system up and running. This year, we have a plan to help rapidly ramp up the start-up procedures, such that the southern end of the District can be receiving water and scheduling water the first week of April, and that includes parts of the Belen Division, on the east and west sides of Valencia County, and all of the Socorro Division. We would then move into the second and third weeks of the startup season to address areas of the Albuquerque Division and Cochiti Division.

Director Kelly asked if that's in line with the District's commitments from last year when the emergency compact water was released. If April 1<sup>st</sup> was suitable. Page Pegram with the NM Interstate Stream Commission reported that the ISC would prefer something later. If April 1<sup>st</sup> is the startup date, there may need to be other things that are done to send more water to Elephant Butte. She said their initial modeling showed that this action would contribute maybe 10,000-acre feet of water to Elephant Butte that would not have otherwise made it with a normal startup. Saying a one-month delay is good.

David Gensler added that an early melt would be advantageous this spring. Conveyance efficiency in the river is fairly high in March and April and starts to deteriorate pretty rapidly in early May. That is one of the reasons for the recommendation of the April 1 startup date.

Mr. Gensler explained there is more to this than just the April 1 start-up date. MRGCD supplied ISC with a revised demand curve for the entire year, which kind of trims our operations down to a bare minimum. If we can stick to that, it's probably a 25,000-acre foot savings over the course of the season. It will require a lot of work from our people in the field to be extremely efficient with the water. Once start up occurs, our plan is to stick to that demand curve and really make sure that every drop counts this summer.

Mr. Gensler also reported that he did some calculations on the effects of the October shutdown, and although our end of the year delivery was not what we hoped for, he thinks we realized probably an excess of 10,000-acre feet out of the October shutdown (in terms of potential agricultural evapotranspiration that was not met). That water was free to go downstream.

Directors Russo Baca, Moore, and Sandoval, as well as Vice Chair Baca all noted that this decision is a very tough decision to make; however, for the good of the Conservancy, the delayed start-up has to occur. Director Sandoval added that the Board, must be very careful because our constituents come first in regard to the efficiency of water delivery.

Director Sandoval asked if Mr. Hamman was going to communicate this decision to the Coalition at their meeting in February. Mr. Hamman noted that in the past, the coalition had suggested delaying the start-up to March 15<sup>th</sup>; however, at the February meeting, Mr. Hamman will be asking for the extra 15 days, to April 1<sup>st</sup>.

Director Baca reiterated the importance of this decision, and she has complete, and full trust in MRGCD staff and ISOs to implement the new efficiency and reorganization plans. She gave kudos to David Gensler for his tough management decision last fall to end the season early.

Director Kelly wanted to hear from Mike Lopez regarding his new position. Mr. Lopez added that he understands the challenges that the District is facing, and he promised that he would face them head on and do the very best possible job he can do to make things work smoothly this year.

Director Kelly made the **MOTION TO APPROVE THE RECOMMENDATION TO START THE IRRIGATION SEASON ON APRIL 1<sup>ST</sup>, WITH BELEN AND SOCORRO DIVISIONS TO START SIMULTANEOUSLY ON APRIL 1<sup>ST</sup>.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

**AGENDA ITEM NO. 8 – DISCUSSION/APPROVAL OF COMPENSATION RATES FOR POLL WORKERS - Ernie Marquez, Election Director, and Election Committee, REPORT OF THE ELECTION COMMITTEE, Directors Kelly, Baca, and Russo Baca**

Ernie Marquez added the information in the Board packet. He is recommending that MRGCD use the same compensation amounts from the 2019 election.



**MEMORANDUM**

TO: Middle Rio Grande Conservancy District  
Board of Directors

FROM: Ernie Marquez, Election Director  
Automated Election Services

DATE: January 09, 2021

RE: 2021 Poll Official Compensation

I am recommending compensation for the 2021 MRGCD Board of Directors Election remain the same as the 2019 election. Election Day Presiding Judge \$185.00 each all other Election Day poll officials \$150.00.

All Early Voting Poll Officials no matter the position will be paid at a rate of \$11.00 per hour plus time and one half overtime if necessary.

Also, if Necessary, mileage may be paid to (1) Judge at the current government rate per mile at the time of the election for the return of all election materials, election returns and equipment on election night after the close of polls.

Should you have any question, please feel free to call me at anytime 505-891-6534.

Thanks



Director Kelly reported that the Election Committee met via email to review the recommendations, and they concur with Mr. Marquez' recommendation.

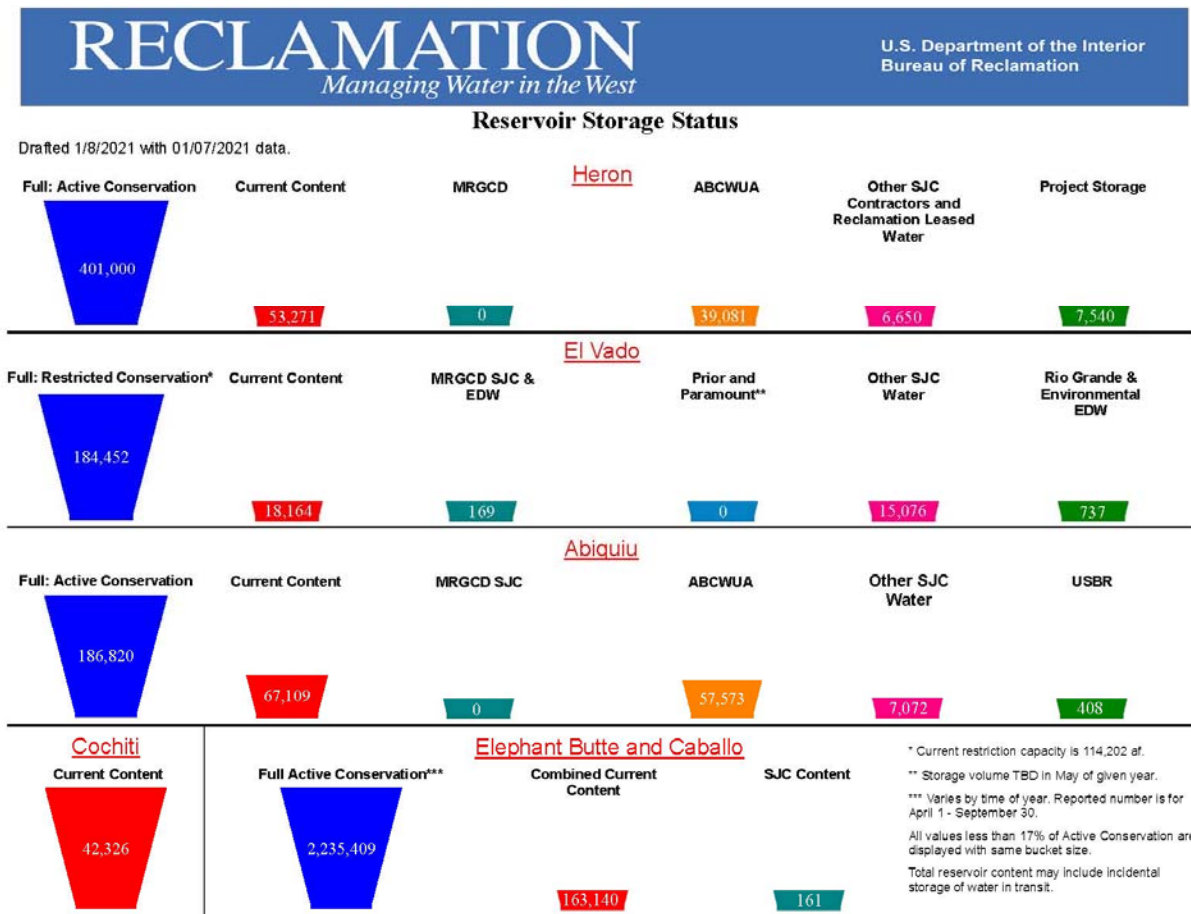
Director Kelly made the **MOTION TO APPROVE THE COMPENSATION RATES FOR POLL WORKERS**. Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

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

**a) Bureau of Reclamation - Jennifer Faler, Area Manager**

Jennifer Faler was not in attendance of today's meeting; however, the District is provided written information in the Board packets.



MRGCD BOARD MEETING (1-11-21)

1. Heron Summary
  - Content = 53,271 ac-ft (1/7)
  - Azotea tunnel: 0 cfs
  - Total SJ-C inflow year-to-date: 0 a.f.
  - Currently releasing 0 cfs
  - Current MRGCD storage: 0 ac-ft
  
2. El Vado Summary
  - A. Total storage (all contractors and natural) in El Vado as of 1/7:  
18,164 ac-ft.
  - B. Native in El Vado  
2,918 ac-ft.
  - C. MRGCD's SJ-C storage in El Vado  
169 ac-ft.
  - D. P & P: 0 ac-ft
  - E. EDWA: 0 ac-ft
  - F. All other SJ-C contractors: 15,076 ac-ft

Current release is 100 cfs    RG Inflow is 40-50 cfs
  
3. Storage in Abiquiu
  - Content = 67,109 ac-ft (1/7)
  - MRGCD's SJ-C storage= 0 ac-ft

Total water released for minnow to date in 2021: 0 ac-ft

Snowpack Data:

As of 1/8/21 (% of median)

Rio Chama Basin.....	75%
Upper Rio Grande Basin.....	58%
Rio Grande Headwaters.....	100%
Jemez Basin.....	50%
San Juan River Basin.....	75%

January Streamflow Forecast

Rio Grande @ Del Norte CO	400,000 ac-ft (78%)
El Vado Reservoir Inflow (Mar-Jul)	145,000 ac-ft (64%)
Rio Grande @ Otowi	395,000 ac-ft (55%)
Jemez R. below dam	11,000 ac-ft (32%)
Rio Grande @ San Marcial	186,000 ac-ft (36%)

**b) Bureau of Indian Affairs - Viola Sanchez, Designated Engineer**

Viola Sanchez reported that right now, the Bureau of Reclamation, as they do every year, has started since January 1<sup>st</sup> to store water (native water inflows) to El Vado. Typically, BIA doesn't make a determination of the amount Prior and Paramount storage until after the May 1<sup>st</sup> forecast. In the recent years, it has varied between about 13,000 and 45,000-acre feet.

Unless we get some unexpected moisture, all of the water for Prior and Paramount will be stored during times of Article 7 Restrictions, which means that the water goes to Prior and Paramount lands and not to other newly-reclaimed lands of the District, including tribal newly-reclaimed lands. In the past, we have had plenty of carryover water from the previous year to cover the Prior and Paramount needs. In a dry year, there typically is not enough spring runoff to cover Prior and Paramount needs without having carryover from the previous year. This year, things could be bad enough to the point where the Prior and Paramount is also shorted.

As the season progresses, we will have to start bypassing the natural flows into El Vado to cover the direct diversion requirements to the District, which could curtail the season that we

Minutes of Middle Rio Grande Conservancy Board Meeting

use to store for Prior and Paramount in order to move the water down and meet the direct diversion rights of the entire District and other waters users as well.

Right now, because of safety requirements, El Vado only has room for about 140,000-acre feet, and about 97,000 of that is debit. If the remaining 17,000 is not enough for Prior and Paramount, it would be going into that 97,000 to cover the Prior and Paramount, provided there is enough water that comes down the Rio Chama.

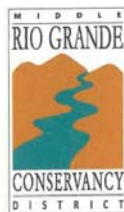
It is going to be a tough year for the Pueblos as well, and it is going to be a year where we have to administer in the field more strictly than we have done in the past. Some tribes are better than others, as far as having internal organization to distribute the water equitably within them, and others just do not have the internal infrastructure to really do that.

The O&M contract is happening right now. Conversations with Mr. Hamman, it will probably be going up by about \$14,000 this year. The way the payment is written, it has the provision to go up every year, depending on what MRGCD does with ad valorem taxes and water service charges. Ms. Sanchez is leaving some things for future modifications to the contract, since they require going out in the field, and the Pueblos are closed right now.

**AGENDA ITEM NO. 10 – REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM**

**a) Presentation and Approval of the 2<sup>nd</sup> Quarter Financial Statements for FY2021 - Pamela Fanelli, and Report of the Finance Committee - Directors Kelly, Moore, and Baca**

Pam Fanelli reviewed the budget to actual forms that were included in the Board Members' packets. She gave a condensed analysis of the second quarter budget reports.



To: MRGCD Board of Directors  
 Through: The Finance Committee  
 From: Pam Fanelli, CMA, CGFM  
 CFO/Secretary/Treasurer  
 Date: January 7, 2021  
 Subject: 2Q FY2021 Financial Information

*The following is a condensed analysis of the second quarter budget reports.*

Revenues are higher in the 2<sup>nd</sup> quarter of FY2021 than 2Q2020. Owners received a one time, one month delay last year for payment of property taxes. Ad Valorem revenues in FY 2021 total \$4,424,162 as opposed to \$641,856 last year. We should see another large amount in January. The Ad Valorem forecast based on county valuations for FY2021 is expected to be higher than the FY2021 budgeted amount. Water Service Charges increased by \$46,177 from the previous year due to the increase in the per acre charge from \$43.00 to \$43.82. The District feels that Interest Income and Water Bank Fees will come in under budget but is confident that Ad Valorem will exceed budgeted amounts.

Total expenditures for the 2<sup>nd</sup> quarter of FY2021 are \$10,528,543. Expenditures are \$810,256 more than the 2<sup>nd</sup> quarter of 2020. Total expenditures are in line with budgeted amounts however the District has moved \$948,445 from the discretionary budgeted items to the operating budget. We are confident that we will be able to move some of the budget back to discretionary.

Director Kelly spoke for the Finance Committee members who concurred with the report and asks the Board to accept the report as presented.

Director Sandoval made the **MOTION TO APPROVE THE 2<sup>ND</sup> QUARTER FINANCIAL STATEMENTS FOR 2021**. Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Yes	Vice Chair Baca	Yes
Director Moore	Yes		

**AGENDA ITEM NO. 11 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE**

**a) Update on COVID-19 Business Continuity Plan and Related Impacts - Mike Hamman, CE/CEO**

Mike Hamman reported that MRGCD is still adhering to the Governor's guidelines regarding the amount of staff that can be in the MRGCD offices. Mr. Hamman thanked the Board for their continued support for allowing the remodeling to continue through this pandemic and also their support in making sure that all of the staff has the proper protection and guidance. Mr. Hamman noted that an MRGCD team member is not doing well and in intensive care; that the District has been working closely with his wife and helping her through a very difficult situation with understanding the financial situation and helping her through that during this difficult time.

*NOTE: Director Sandoval left the meeting at this time to attend a presentation by the new Governor of the San Felipe Pueblo*

**b) Report from the MRGCD Lobbyist of 2021 Legislative Session Matters - John Thompson, MRGCD Lobbyist**

Mr. Thompson reported that it has been confirmed that this year's legislative session will be held entirely virtually, which will pose challenges to how things get done. Mr. Thompson is going to prepare the best he can in keeping the lines of communication open with the legislators. He sent to the Board a tracking list of pre-filed House Bills. A glitch caused the Senate Bills to not run, and Mr. Thompson will send a new list as soon as the glitch is resolved. He spoke with Senator Ivey-Soto on December 17th, regarding the proposal or draft regarding the conversations that Mr. Hamman and Mr. Thompson have been having with him. Senator Ivey-Soto apologized for not getting it done yet but said he would send it promptly. Regarding capital outlay, there will be a new process this year. Mr. Thompson has asked for supporting materials from several Board Members and he has gotten those.

Mr. Thompson added that trying to reach legislators during this session will be difficult (as opposed to catching them in the hallway and walking with them). Everyone is trying to reach

legislators via calls, Zoom, texts, and emails. Mr. Thompson's mindset is that everyone is playing on the same field, and we just need to keep a positive attitude and do the best we can with what we've got.

Chair Dunning wished him the best of luck. Director Kelly thanked him for his hard work especially during this challenging year.

**c) Update on the Implementation of the Approved MRGCD Reorganization Plan - Mike Hamman, CE/CEO**

Mr. Hamman clarified for a caller on today's meeting that MRGCD will not be hiring more ISOs initially or be adding a second shift (evening). Mr. Hamman believes there is an excess capacity that has not been fully taken advantage of with the current staffing plan. Letters will go out to irrigators, on at least two occasions, when Mr. Hamman and staff have a better understanding of the water supply situation. Local meetings will also be held throughout the District in a Covid-19 responsible manner to answer any questions or address any issues.

Mr. Hamman added that the District is quite pleased with Mr. Lopez' willingness to accept the offer as Water Distribution Division Manager. He then introduced Dan Clouser who's been with the District over 19 years and a former dairy farmer saying he is happy that he will be Mr. Lopez' assistant knowing his experience working with the irrigators and the ISOs.

Director Moore feels the reorganization will address much of the concerns from our irrigators and Madam Chair agreed saying that the two will meet the Boards highest expectations.

**d) Update on the 2020 WRDA Bill and Related Lobbying Efforts - Mike Hamman, CE/CEO**

Mike Hamman reported that the 2020 Water Resources Development Act (WRDA) Bill was signed into law by President Trump. This is an omnibus bill that includes the Water Resources Development Act that funds the Corps of Engineers. Within that bill, there are three good things for the District.

One is the reauthorization of Abiquiu Reservoir to allow the Corps of Engineers to add an additional story above the existing storied elevation, as well as to allow for the use of Abiquiu for both San Juan-Chama water and native water. That gives us flexibility to store native in Abiquiu and San Juan-Chama in El Vado and vice versa.

The second one is authorization of the Bernalillo to Belen levee system. The price tag is \$310-million. The Interstate Stream Commission has some funds left over from the San Acacia levee work that can be reprogrammed to this work of approximately \$1.4-million. We also have approximately \$470,000 from AMAFCA and Bernalillo County, as well as whatever our annual appropriation would be for that purpose. We've got funding available for the design and the NEPA work required for the first phase of the project.

The third is the Sandia to Isleta Rio Grande Environmental Management Project, which is a carryover from shovel-ready projects that were designed under the Pete Domenici money years ago, which the Corps received for the silvery minnow and other purposes. They chose us because we had shovel-ready, which is another cost-share requirement. We are in the process of speaking with Utility Authority, AMAFCA, Bernalillo County, and City of Albuquerque (this project benefits them more than MRGCD). We are hopeful that our local cost-share partners will step up and carry the lion's share of the funding requirements because we have our hands full with the Bernalillo to Belen project.

Madam Chair Dunning thanked Mike O'Connor for the work he did on the WRDA Bill and asked Mr. Hamman if MRGCD was going to continue utilizing his services. Mr. Hamman responded that, yes, he intends to keep utilizing his services for the foreseeable future, especially utilizing him currently in assisting with identifying drought relief funding. Mr. Hamman is currently requesting \$10-million dollars to help with fallowing approximately 20,000 acres to help alleviate drought concerns in the middle Rio Grande.

e) **Set Date for Special Meeting to Determine Water Bank Lease Rates - Mike Hamman, CE/CEO**

Mike Hamman reported that the normal water bank rules really talk about two things: base flows by month (at the Otowi Gauge) and the water availability for surplus water. He explained that if you can't start El Vado, because of Compact problems, and you're trying to push as much water down to Elephant Butte as you possibly can, it seems imprudent to offer a water bank. Plus, it would be rapidly curtailed based on the way things developed last year from a similar runoff pattern.

If we do approve a water bank, we will advise folks of the value. For instance, it may not be worth \$50 an acre to them because they may be able to irrigate once or twice.

The Irrigation Committee will meet with Mr. Hamman and staff to discuss modifying Rule 23, which will be presented at the February 8<sup>th</sup> Board Meeting.

f) **Discussion and Approval of Professional Services Agreement for Consultant and Lobbying Services Between the District and John Thompson - Mike Hamman CE/CEO**

Madam Chair Dunning had a couple of changes in the scope of work, and also Mike Hamman noted a change in the compensation portion of the draft. Those three changes will be made to the final agreement.

Director Moore made the **MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT AND LOBBYING SERVICES BETWEEN THE DISTRICT AND JOHN THOMPSON (with the noted changes discussed)**. Director Russo Baca

seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

g) **Discussion and Approval of the Letter Agreement to Assume Operations and Maintenance for the Drain Unit 7 Extension and the Low Flow Conveyance Channel - Mike Hamman, CE/CEO**

This item was brought forward from last month's meeting; however, Director Kelly expressed concern of the wording making it clear that we are maintaining a spoil levee not an engineered levee. Director Kelly has looked over the changes and concurs with the document.

Director Moore made the **MOTION TO APPROVE THE LETTER AGREEMENT TO ASSUME OPERATIONS AND MAINTENANCE FOR THE DRAIN UNIT 7 EXTENSION AND THE LOW FLOW CONVEYANCE CHANNEL.** Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

h) **Report on the Bernalillo County Master Trails Plan for the Isleta Drain and Request for Board Support for Staff-in-Kind and Potential Cost-Share Contributions - Yasmeen Najmi, MRGCD Planning Specialist**

Yasmeen Najmi gave a brief history and asked Brian Lopez, the Interim Technical Services Director of Bernalillo County Public Works, to explain this request.

Mr. Lopez reported that he and Ms. Najmi have had a few meetings with AMAFCA regarding a master plan for the Isleta Drain, done similar to what was done for the Alameda Drain Trail. The master plan will address drainage and flooding, incorporate GLID features and a trail, and then provide itself for a multi-agency partnership.

Currently, they have \$90,000 for the study (between local and state funding). They have made the request for MRGCD to contribute either \$20,000 or in-kind services. Currently there is a slight agreement on the scope of work for the RFP, which would be put out through the County and then issued to a list of Bernalillo County consultants. MRGCD and AMAFCA would be part of the selection process for the project.

Madam Chair Dunning asked if this project would qualify for transportation dollars (not the plan, but the implementation). Mr. Lopez responded that once the plan is in place, they could look for transportation federal funding for the design and construction. Madam Chair Dunning asked if Mr. Hamman was looking for agreement on funding or in-kind services, to which Mr. Hamman responded "either/or" and "and/or," because MRGCD will continue to be involved. Ms. Najmi will work closely with the county on this planning process.

Director Kelly added that the Alameda Drain was successful because it had a very good master plan. He will not mind MRGCD kicking in funds that match Bernalillo County if it means that a proper master plan is done. He encouraged Mr. Hamman and Ms. Najmi to not hesitate to ask for money to put into it and to value their own staff time to do everything else they need to do.

**i) Notices of Virtual 2020 Meetings - Mike Hamman, CE/CEO**

- i. NM Water Dialogue's 27<sup>th</sup> Annual Statewide Meeting, January 13-14, 2021
- ii. Land & Water Summit, February 24-26, 2021

Mr. Hamman reminded Board Members that it's not too late to register for the above two meetings. He encouraged attendance, as they should be very interesting meetings.

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

Chuck DuMars share sad news of a client and close friend, Robert Quintana, passing from Covid-19; saying it is a terrific loss to New Mexico.

Dr. DuMars reported on some of his concerns, such as, the Solicitor for the Secretary of Interior is up for grabs. Dr. DuMars believes that Mike Conner should look into the names that are being put out there for this position since it is important to MRGCD. Dr. DuMars also thinks that we should be watching the relationship with Fish and Wildlife Service with Wild Earth Guardians. There are also some people in Colorado and California that used to be on the environmental side of things who are now working for firms that are trying to bargain away water rights from people permanently (not just in the following years).

Lorna Wiggins reported that we are moving to closure on the one litigation matter that was addressed during the most recent special meeting.

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

**a) Report on the Conservation Advisory Meeting, December 17, 2020 - Vice Chair Baca and Director Moore**

Vice Chair Baca noted that he was not in attendance of the December 17<sup>th</sup> meeting.



Director Moore reported that Gina De La Russo and Todd Kaplan are going to do some technical research on farms to investigate recommended cover crop strategies and maybe add something like that into our leasing program. They also discussed Rocky Mountain Youth Conservation Corps. The Bureau of Reclamation has some small grants to acequias and community ditches. The group is going to see if they can increase participation in the program.

Director Russo Baca made the **MOTION TO APPROVE THE REPORT ON THE CONSERVATION ADVISORY MEETING, DECEMBER 17, 2020**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

**b) Report on Urban Issues Committee Meeting, December 17, 2020 - Vice Chair Baca and Directors Baca and Russo Baca**

Vice Chair Baca reported that this was a follow-up meeting with New Mexico United, Peter Trevisani, and Rep. Javier Benavidez. They discussed what type of support could be given to them by MRGCD. Vice Chair Baca drafted a letter of support for New Mexico United. Mr. Hamman and other Board Members have made some changes to it.

Lorna Wiggins asked that rewording happen with respect to the MRGCD mission regarding flood protection. Mr. Hamman will make the change, get Madam Chair Dunning's signature, and send it over to Mr. Trevisani.

Director Russo Baca reported that the committee also met with the Village of Los Lunas, Councilman Gina Romero, as well as Mayor Griego. They received state capital money from last year that they can use this year to do river park improvements. They wanted to know how they could collaborate with MRGCD in working with Ms. Najmi and other staff. They did not ask for any funds (yet) but for now would just like to include MRGCD in the planning process. Director Baca added that she was happy for this collaboration to occur.

Director Kelly noted that he feels the letter in support of New Mexico United sets a bad precedent. He feels that it is not MRGCD's place to support local businesses. Madam Chair Dunning agreed that it is not MRGCD's place to get into the business of supporting or not supporting development projects that really have nothing to do with MRGCD; however, she felt the letter of support was innocuous and did not promise anything. Director Baca understood what Director Kelly was saying, but she felt the way that the letter was rewritten, and particularly that last paragraph, the letter really is saying that we will welcome and work with United as a new constituent if a home stadium is secured within the benefited area of the District. It does not straight up say that we are advocating for it. Directors Moore and Russo Baca added that they like the letter as it does not obligate MRGCD to anything and it gives the farmers a voice, since New Mexico United would commit to using locally-grown foods.

Lorna Wiggins confirmed that MRGCD is not creating any obligations for the District. What the letter is doing is emphasizing the importance of collaborating with our community partners (community partners being a broad term), which can include this kind of an enterprise. She believes that you can argue both sides to this insofar as mission drift; however, she believes this particular letter is framed fairly narrowly. It addresses the immediate need and then recognizes that the Board has some work to do on policy development, which is exactly the way good governance should work.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE URBAN ISSUES COMMITTEE MEETING, DECEMBER 17, 2020**. Director Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

Vice Chair Baca made the **MOTION TO APPROVE THE SUPPORTIVE LETTER FOR NEW MEXICO UNITED**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Abstain	Madam Chair Dunning	Yes, with reservations
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

**c) Report on the Irrigation/Water Bank and Illegal Irrigators Committee Meeting, December 17, 2020 - Directors Sandoval, Moore, and Russo Baca**

Director Moore reported that David Gensler was at the meeting and discussed this irrigation season and that hopefully the Pueblos would have the P&P water. They also discussed the delay of the startup and when that should occur. Director Moore had concern for farmers that have already planted winter wheat and wondered if they could have some sort of priority for watering. They also discussed the letters that Mike Hamman will be sending out. Director Moore reported that Director Sandoval thinks the Pueblos will work with the farmers. He will talk to the pueblos (he knows they have the senior rights but also thinks we all need to work together). They discussed illegal irrigation and some fines that could be imposed.

Director Russo Baca reported that they discussed the problems from last year of people stealing water and that theft potentially what was causing some of the deficits (obviously not all of it). Director Sandoval noted to the committee that on the pueblo if you steal water, you get three strikes. After the third strike, an individual is banned from farming for life. Director Russo Baca

feels that a fine of \$100 or \$200 is decent for somebody who is illegally irrigating. They are still discussing this issue and the resultant fine schedule.

Vice Chair Baca made the **MOTION TO APPROVE THE REPORT ON THE IRRIGATION/WATER BANK AND ILLEGAL IRRIGATORS COMMITTEE MEETING, DECEMBER 17, 2020.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

Director Baca	Yes	Director Russo Baca	Yes
Director Kelly	Yes	Madam Chair Dunning	Yes
Director Sandoval	Absent	Vice Chair Baca	Yes
Director Moore	Yes		

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 6:17 p.m.

Approved to be the correct Minutes of the Board of Directors of January 11, 2021.

**ATTESTED:**

\_\_\_\_\_  
 Pamela Fanelli, CMA, CGFM  
 Secretary/Treasurer

\_\_\_\_\_  
 Karen Dunning, Madam Chair  
 MRGCD Board of Directors