

**MINUTES OF THE
2,173rd REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

MARCH 8, 2021

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

Directors having been duly notified; Madam Chair Dunning called the regular meeting to order at 3:04 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS		STAFF	
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	Chief Operations Officer
Michael T. Sandoval, Director	Present	Pamela Fanelli	Secretary-Treasurer
Barbara Baca, Director	Present	David Gensler	Water Operations Manager
Stephanie Russo Baca, Director	Present	Mike Lopez	Water Distribution Manager

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

DeAnna Philips, Board Liaison	Anne Marken, MRGCD
Analise Porter	Rusty Swint, MRGCD
Matthew Aragon	Judy McSweeney, MRGCD
Miguel Hidalgo	Francesca Shirley, MRGCD
Barbara Romero	Casey Ish, MRGCD
Yolanda & Chas Gabaldon	Andrew Melendez, MRGCD
John Thompson, MRGCD Lobbyist	Marta Moerch, MRGCD
Viola Sanchez, BIA	Rebecca Thompson, MRGCD
Anders Lundahl, NMISC	Estella Gamboa, MRGCD
John Fleck	Jenifer Andrews, MRGCD
Michelle Olson, NMOSE	Danial Clouser, MRGCD
Sonny Cooper	Jessica Howe, MRGCD
Larissa Gordon	Mike Apodaca, MRGCD
Jonathan Vergeer	Richard DeLoia, MRGCD
Renee Robichaud	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Vice Chair Baca 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, 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.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Madam Chair Dunning made the following changes to the Agenda: Change the topic of Item 7.g. to Update on NRCS Watershed Planning Study (from Report on the Annual Water Management Workshop).

Madam Chair Dunning noted that DeAnna (Philips) emailed to Board Members the reference with the Resolution number in item 7.e.

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

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

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - March 8, 2021
- b. Consideration/Approval of February 2021 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of February 2021 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Special Water Bank Meeting - February 8, 2021
- e. Consideration/Approval of Minutes for Regular Board Meeting - February 8, 2021
- f. Memo on MRGCD Approved Licenses for February 2021 (For Informational Purposes Only)
- g. Consideration/Approval of the MRGCD Continuing Education - Tuition Reimbursement Policy - Christine Nardi, Human Resources Director

Chair Dunning asked Mr. Casuga to explain an invoice from the General Counsel regarding PNM. He explained Ms. Wiggins was asked to review a draft agreement with PNM (and their contractors) on how they will enter MRGCD facilities to do maintenance on trees and electrical lines within the District's rights of ways and easements, the manner on how they will leave and when they leave.

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

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

AGENDA ITEM NO. 4 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

There were no individuals who wished to speak during Items from the Floor.

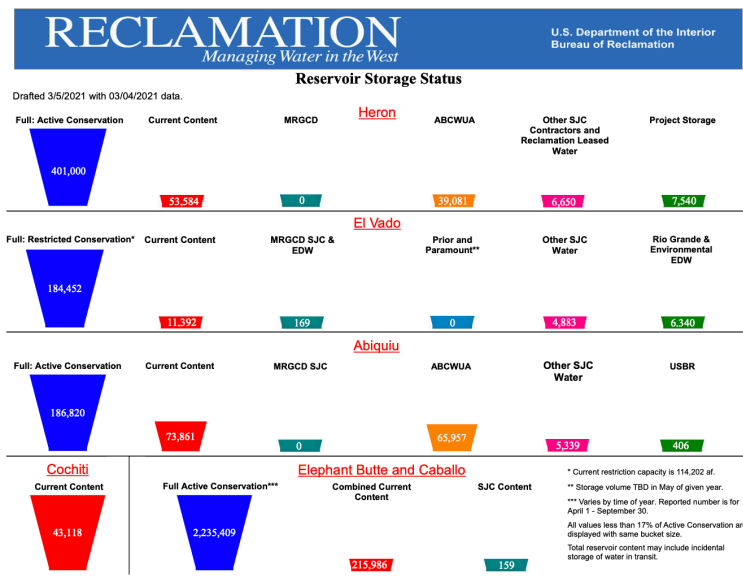
Director Kelly recognized that Ed Sandoval passed away last week. Mr. Sandoval was well involved in the creation of the Rio Grande Valley State Park and has been a constituent of MRGCD's in the Valley. He will be missed by all. Director Kelly asked Mike Hamman to send a sympathy card on behalf of MRGCD to Mr. Sandoval's family.

AGENDA ITEM NO. 5 – REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Ms. Faler was not in attendance of today's meeting; however, the Reservoir Storage Status was provided to Board Members in the board packet.

- MRGCD BOARD MEETING (03-08-21)**
- Heron Summary
 - Content = 53,584 ac-ft (3/4)
 - Azotea tunnel: 0 cfs
 - Total SJC Inflow year-to-date: 0 a.f.
 - Currently releasing: 0 cfs
 - Current MRGCD storage: 0 ac-ft
 - El Vado Summary
 - A. Total storage (all contractors and natural) in El Vado as of 3/4: 11,392 ac-ft.
 - B. Native in El Vado 6,340 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: 4,883 ac-ft
Current release is 100 cfs RG Inflow is 50-80 cfs
 - Storage in Abiquiu
 - Content = 73,861 ac-ft (3/4)
 - MRGCD's SJ-C storage= 0 ac-ft
- Total water released for minnow to date in 2021: 0 ac-ft
- Snowpack Data:
- As of 3/5/21 (% of median)
- | | |
|-----------------------------|------|
| Rio Chama Basin..... | 77% |
| Upper Rio Grande Basin..... | 56% |
| Rio Grande Headwaters..... | 100% |
| Jemez Basin..... | 59% |
| San Juan River Basin..... | 85% |
- March Streamflow Forecast (50%)
- | | |
|------------------------------------|---------------------|
| Rio Grande @ Del Norte CO | 365,000 ac-ft (71%) |
| El Vado Reservoir Inflow (Mar-Jul) | 113,000 ac-ft (50%) |
| Rio Grande @ Otowi | 390,000 ac-ft (54%) |
| Jemez R. below dam | 9,000 ac-ft (26%) |
| Rio Grande @ San Marcial | 177,000 ac-ft (35%) |



b. Bureau of Indian Affairs - Viola Sanchez, Designated Engineer

Ms. Sanchez reported that all six Pueblos have agreed to an April 1st start date. She believes Cochiti Division would like to start a few days earlier since it takes a few days for the water to get down the system. Including evaporation, the P&P March 1st storage target is 28,181-acre feet.

She mentioned a Coalition Workgroup Meeting held before this meeting, where they discussed the cap on P&P storage (Mike Hamman requested). The Pueblos would only consider the cap if they knew that the State Engineer had approved the credit water relinquishment. Paige Pegram, the Engineer Advisor, said that the State Engineer was leaning against approving the request. If the State does not approve it, then the Pueblos would not consider a cap because the whole point of doing it was to provide some leverage to get that credit water relinquishment. Mike Hamman added that an official request for an operating plan will go out on March 9th to John D'Antonio, New Mexico State Compact Commissioner, to take under consideration.

Lastly, she reported that BIA has implemented a new method of doing paperwork. The contract between BIA and MRGCD is not here, but it is approved and on its way to Albuquerque.

AGENDA ITEM NO. 6 – REPORT FROM THE SECRETARY/TREASURER - Pamela Fanelli, CMA, CGFM

a. Report on the Ad Valorem Revenues Year to Date

Ms. Fanelli reported that July through January, the District has received \$11,874,469 in net ad valorem revenues for FY21. The same time in FY20, \$11,514,139 was received in net revenues (an increase of \$360,630). Overall, she expects to receive more ad valorem revenues than budgeted. Part of this is due to how FY21 ad valorem revenues were budgeted, and part is due to the valuations that were received from the counties. FY21 revenues were based on FY20's budget, but FY20 actuals came in higher than budgeted. She stated she under-budgeted slightly. In addition to that, the valuations came in higher. She expects to see more than \$360,000, or more. The District will receive the next large distribution in April and May, and Ms. Fanelli will provide an updated report on the actual versus budgeted.

Director Kelly noted that he thinks this is really important to keep track of because we are not going to see the revenues coming in on the water bank leases, and water service charges may drop with the following program this year.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Report on the 2021 Legislative Session - John Thompson, MRGCD Lobbyist

John Thompson reported that the current, very interesting legislative session will end on March 20th at noon. Unfortunately, communication continues to get more and more difficult by the day, with long hours, short tempers, and full mailboxes.

On the legislation front, Senator Ivey-Soto's Senate Bill 284 is still awaiting a hearing in his Senate Rules Committee. Senator Ivey-Soto chairs that committee and has discretion over that agenda. Mr. Thompson spoke with him briefly before today's board meeting, and the Senator indicated that we should be seeing a hearing on Bill 284 very soon. A couple of other bills have popped up unexpectedly, having to do with caps on assessment charges and some salary level issues.

On the capital outlay front, somewhat surprisingly we have not seen an official publication on what projects have been approved or not yet, but we should be seeing it in the next couple of days. Mr. Thompson will get it to the Board as soon as he can.

Director Moore asked about the introduced bill of capping salaries, which would impact the District. Mr. Thompson responded that the bill is scheduled to be heard on March 9th at its first committee hearing in the Senate Indian Rules and Cultural Affairs Committee. He believes it is unlikely that the bill will pass, but, of course, he does not know for sure. Mike Hamman has advised Mr. Thompson that the MRGCD opposes this bill on the basis that it will prevent both setting tax rates and also salaries and positions for key employees that the Board chooses to recruit in the future. Chair Dunning added that other Conservancy Districts in the state are also opposed to the bill for the same reasons.

Mr. Thompson let the Board know that at this time of year, his phone is on. It is never too late or too early to contact him.

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

David Gensler reported that its March and the District's canals are not running. MRGCD is actively getting the word out to farmers that there will be some water this spring, but it probably will not last very long. The March 1 forecast is still disappointing in spite of some snow in February. The March 1 forecast is now down to 54% of average for Otowi Gauge and just 50% of average inflow to El Vado. There are 19.6" of snow-water equivalent at Cumbres Trestle today, which is about 88% of normal. Because of the overall dry conditions in the basin, they expect that the snow is not going to produce as much water through the valley as the volume of snow would lead you to expect. Similarly, the San Juan tributaries this morning (supply the San Juan-Chama Project water) are sitting in the 50%-60% range. Reclamation has cautioned MRGCD that we may not get a full SJC allocation this year, stating possibly 75% or less.

Climate forecasts are even less certain than snowpack runoff prediction, but all the Climate Prediction Center maps right now suggest a higher probability for warm and drier conditions throughout March, April, May, and June. Things kind of break down in the summer. We still have some hope that things can turn around. We can and do get really wet storm systems come through the valley in the spring. At present, however, it seems unlikely there will be much of a spring runoff, and our ability to store water remains constrained by the Rio Grande Compact and the physical lack of water to store. There have been no changes to Rio Grande Compact status since the last meeting. We have an accrued debit of 96,800-acre feet. Rio Grande Compact Article VII prevents us from storing Rio Grande water in El Vado, and if we did have water stored there, Rio Grande Compact Article VI prevents us from using any of it.

The big question for us now is start-up. We have a plan in place to bring the canals online, starting April 1 and charge them at an accelerated pace. We know there will be a pent-up demand for water, and we are prepared to meet that if possible. It is still an open question just how much water we will have to work with. Currently the river is running about 550 to 600 CFS. It is starting to creep upwards a little bit, but it is still low for this time of year. We have a schedule for operations designed to work with that lessened water supply, but we still have to add some water to make it work. Without storage, of course, we are 100% at the mercy of the river.

In summary, our expected water availability for 2021 remains very poor, almost certain that we will experience periods of shortage this year for all users. Water bank deliveries cannot be met this year. When natural flows are low, the District will meet the irrigation needs of the 8,846 acres of lands on the Pueblos first. Those lands rights were designated as Prior and Paramount to all other lands of the District by a 1928 Act of Congress. Whatever is left over beyond that, we will distribute to all users as equitably as possible.

Regarding startup, in general, we have a staggered schedule, starting south and moving north, intended to get water in the canals quickly and efficiently and not create any problems in the river. Irrigation deliveries will be allowed progressively as we go, primarily at night and on weekends, to keep enough flow in the canals for the startup process. Of course, we have to remember that simultaneously with startup, we are still delivering water to Elephant Butte to help lessen that Compact deficit, and that's water that is desperately needed in the southern part of the state. We are also approaching the Silvery Minnow spawning period. It is a delicate balance to make sure that it works for everybody throughout the valley.

Mr. Gensler reminded everyone that we have faced this delicate balance before and gotten through it okay; however, this looks like a pretty rocky ride ahead of us this spring.

Director Moore asked for clarification on the amount in debit status, as she was not seeing the number come down. Mr. Gensler responded that MRGCD is managing to deliver right now a little bit less than 1,000-acre feet per day. He believes MRGCD has delivered about 28,000 to 29,000-acre feet. He added that the accounting gets done at the end of the year. We will owe 96,800-acre feet until the accounting is reprocessed at the end of 2021. Then, hopefully, we will owe less at that point in time.

Mr. Gensler believes it is really good that we are delivering water right now. In fact, this delayed start-up is precisely to deliver some water through March, because as we go through the hotter, drier parts of the summer, we will start to not deliver any water probably. At the same time, our obligation will continue to increase. Mr. Hamman agreed and added it is a good down payment for what we owe this year.

Director Kelly asked if MRGCD is meeting its obligations and promises made last August, when it took the 38,000-acre feet, Article VI water used for the middle valley. Mr. Gensler responded that we did not make any specific numerical promises, just that we would do everything in our power to repay that debt as quickly as possible. The hydrology has not been favorable for us the last eight months, but he thinks we have made the best of it, both last fall and this spring.

Mike Hamman added that we are all working harder to make this upfront delivery for what we are definitely going to owe this year, as well as chip away on the debt for next year and try to get us back in a situation where we have more flexibility to store water up at El Vado. This year, we are pretty well locked out just by a confluence of many issues. One being the lake itself is limited by dam safety matters, which we are trying to address by reconstructing the dam here in the next several years. The other factor is the accumulated debit is restricting our operations, coupled with a low runoff. It does not really give us many options. The farmers are sacrificing, along with us, with the later startup. That is why we are dedicated to a really rapid startup here at the beginning of April in order to minimize the impacts that our farmers are suffering due to the later startup.

c. Irrigation Startup Plan - Mike Lopez, Water Distribution Division Manager

Mike Lopez reported that MRGCD has been preparing for several options, depending on water availability. He plans on concentrating flows in the southern division first, running the main canals and other ditches. The South Valley can utilize drain water to run water. They are working out the exact timing of diversions and will work their way north as quickly as possible, cranking up diversions and running the main canals and secondary ditches, similar to what is done in the south. There will be flexibility built into the schedule due to the issues.

Mike Hamman added that one of the major constraining factors is the base flow of the river is not coming up; that it may come up better by April 1st giving a bit more flexibility. The major constraining factor on how much water we can push into the system and how much we can balance keeping it in the river as well. It is something that they are committed to do in order for us to keep that connection down to Elephant Butte as long into April as we possibly can, thereby continuing to make that Compact delivery.

Director Kelly asked if San Acacia Dam and the Isleta Diversion weir will start up on April 1. Mike Lopez responded that they would start up the main canals in Belen and Socorro, starting on the Peralta Main side first in Belen, ramping up flows for a short period of time and then running those flows in order to create a push in the canal. As they are able to ramp down the

flows on the east side of the Belen Division, they will start ramping up the flows on the west side, in the Highline, and then start running the Highline later in the day.

d. Consideration/Approval of Proposed Changes to the MRGCD Water Bank Rules, Rule 23 and Resolution M-03-08-21-172 - Mike Hamman, CE/CEO

Mike Hamman reported that this document's contents are the same that have been discussed in the past; however, Director Kelly made suggestions to restructure the flow and cite footnotes differently in the appendix. His suggestions were incorporated into the final draft.

Director Baca made the **MOTION TO APPROVE THE PROPOSED CHANGES TO THE MRGCD WATER BANK RULES, RULE 23, AND RESOLUTION M-03-08-21-172**. Director Russo Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

e. Consideration/Approval of Proposed Changes to Premium Contribution/Retiree Reimbursement Program - Mike Hamman, CE/CEO

Mr. Hamman deferred the report to Christine Nardi, the District's HR Director, who reported that no additional changes were made to the previous draft that was presented to the Board at last month's meeting. Ms. Nardi reported that the changes were received well by staff being that it is still a very generous plan. Employees understood the complexity of the situation and were generally understanding of the changes.

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
PREMIUM CONTRIBUTION/RETIREE REIMBURSEMENT PROGRAM**

M-03-08-21-171

WHEREAS, the Middle Rio Grande Conservancy District (the "MRGCD" or the "District") opted out and has never been a contributing member to Social Security; and

WHEREAS, in 1986 employers were mandated to deduct contributions for Medicare for all new hires and in 1991 the District permitted those employees who had been employed prior to 1986 to voluntarily contribute to Medicare; and

WHEREAS, the District is not and has never been a participating employer/employee member to the State of New Mexico Retiree Health Care Authority Program; and

WHEREAS, the District solely relies on Medicare to provide health care coverage for eligible retired District employees ("Retirees"), their spouses, and dependents; and

WHEREAS, Retirees and their families could be without medical coverage until becoming eligible for Medicare without the District's Premium Contribution/Retiree Reimbursement Program (the "Program") attached as Exhibit A; and

WHEREAS, Retiree benefits further the accomplishment of the District's goals by attracting qualified employees, encouraging existing employees to continue their employment with the District, and encouraging and enabling older employees to retire; and

WHEREAS, the MRGCD Board on January 9, 2012 approved Resolution M-01-09-12-115 which revised the Program's eligibility requirements and mandated that the Board of Directors (the "Board") review the Program when it reached five percent (5%) of total budgeted salaries to ensure the continued fiscal integrity of the District; and

WHEREAS, as of June 30, 2020 the Program reached five percent (5%) of total budgeted salaries; and

WHEREAS, the MRGCD recognizes that it has a fiduciary responsibility to maintain the District's financial sustainability on behalf of its constituents;

NOW, THEREFORE, BE IT RESOLVED THAT:

Name. The name of the benefit described in this Resolution is the MRGCD Premium Contribution/Retiree Reimbursement Program ("the Program").

Eligibility to Participate in the Program.

Participation in the Program shall be conditioned upon the eligibility of the retiree. The retiree must be a member of an enhanced retirement plan and meet their retirement qualifications.

The eligibility of Retirees and current and future District employees to participate in the Program is set forth in the MRGCD Program documents attached as Exhibit A and is subject to amendment from time to time upon approval of the Board.

District Premium Contribution for the Program. The District's contributions for the monthly premium for a health insurance policy and dental insurance coverage for eligible Retirees are set forth in Exhibit A. With the exception of contribution for eligible Retirees, District contributions for the Program are subject to amendment from time to time upon approval of the Board.

This Resolution supersedes, replaces, and repeals Resolutions M-05-27-03-79.3, M-05-12-08-98 and M-01-09-12-115 and any prior resolution(s) which may conflict with this Resolution.

The Board shall review the Program when it reaches five percent (5%) of total budgeted salaries.

The requirements set herein shall be effective as of July 1, 2021.

PASSED, ADOPTED, AND APPROVED THIS 8th DAY OF MARCH 2021.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Board Chair

ATTEST:

Pamela Fanelli, Secretary-Treasurer

Director Kelly made the **MOTION TO APPROVE THE PROPOSED CHANGES TO THE PREMIUM CONTRIBUTION/RETIREE REIMBURSEMENT PROGRAM RESOLUTION M-03-08-21-171**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

f. Report on the 2021 MRGCD Election - Mike Hamman, CE/CEO

Mike Hamman and Doug Strech, the Systems and Data Integration Manager/2021 MRGCD List Compiler, reported that MRGCD was wanting to send notices to all constituents regarding the ability to request absentee ballots for the upcoming election. However, due to shortages in staff, the intricacies of pulling the information together in a timely fashion, and some counties not being able to get information to MRGCD until right up until the time the postcards should be going out, Mr. Hamman and Mr. Strech wanted some guidance on the Board's feelings about this situation.

Mr. Strech discussed his concerns. He is maintaining two lists one for the mailer and one being the Qualified Electors list for the upcoming Board of Directors election in June. It does not have mailing addresses and never has due to multiple people owning multiple properties and receiving mail at multiple addresses. All six of the Pueblos require that their lists can *only* be used for the Qualified Electors list without strict permission from the Governors. Vital Statistics and one of the three counties involved has not sent their information and he does not expect it until the deadline of March 31. He felt the Conservancy Today mailer was sufficient as he is worried about the cost and the timeline to do another mailing.

Discussion ensued with Board members, including using radio ads, newspapers, county clerk's offices, Pueblo Governor's offices, and contacting sister agencies for assistance in posting on their websites. Director Kelly noted that it was very important that the information goes out fairly to all counties and constituents.

There was consensus among the Board that it is okay *not* to send out a notice to every qualified elector because of the logistical challenges this year.

g. Update on the NRCS Watershed Planning Study - Alicia Lopez, Engineering & Mapping Manager, and Jason Casuga, Chief Operations Officer

Jason Casuga reported that MRGCD has received a grant from the NRCS (Natural Resources Conservation Service) for a Watershed Planning Study. The general boundaries of that planning study are I-25, the farthest south Belen exit, heading south to our canal and what we call Feeder No. 3, basically west from the mesa, heading east, all the way back to the river. The community was noticed on 12/2/2020 that we have an intent for an RFP (request for proposal). The RFP was published on February 26, 2021. The deadline has just passed for acknowledgement of receipt from companies who seem to want to continue the process. Eleven different companies sent in acknowledgment receipt forms.

The first pre-proposal conference (video meeting) will be on 3/11/2021, and the second meeting will be a field meeting on 3/19/2021. RFPs are due 4/30/2021. Mr. Casuga and Mr. Hamman expect the date for everything to be brought to the Board on 7/13/2021.

Mr. Casuga stated that he, Pam Fanelli and the NRCS are on the selection advisory committee to review and evaluate the proposals. Director Kelly encouraged Mr. Casuga and Mr. Hamman to attempt to get buy-in from Valencia County, Socorro County and Belen. He also urged them

to allow the Designated Engineer from the Highway Department to participate in the evaluation process of who wins the RFP.

h. Report on the Agreement Between the Bureau of Reclamation and MRGCD for 2021 Southwestern Willow Flycatcher Surveys - Anne Marken, Hydrologist I

Anne Marken provided the Board with a partially executed copy of the 2021 Yellow Billed Cuckoo and Southwestern Willow Flycatcher Agreement with the Bureau of Reclamation (pending BOR's approval). She anticipates the fully executed agreement fairly soon. She reported that last year, we funded these surveys at much higher amounts. This year, the Interstate Stream Commission (BO partner) has stepped in to help on the surveys with the District and the Bureau of Reclamation. The agreement is very similar to last year's that was approved by the Board. The largest change is the amount as last year's was funded at \$150,000 for the 2020 surveys, and this year MRGCD is funding \$50,000 for the 2021 surveys. Funding these surveys satisfies District commitments under the 2016 Biological Opinion.

Director Moore inquired on the purpose to which Ms. Marken replied that it is to track the trends in population of the Southwestern Willow Flycatcher, an endangered species in the middle Rio Grande.

i. Report on the 2021 Environmental Water Leasing Program - Casey Ish, Water Resources Specialist

Casey Ish reported that the 2021 Environmental Water Leasing Program (EWLP) is now open for enrollment. We have two lease options available for irrigators (owning a minimum of 5 acres) Full Season Leasing (FSL) and Partial Season Leasing (PSL). A complete and comprehensive packet went out for interested irrigators. MRGCD has expanded and changed its outreach approach from last year's pilot program. The program will be advertised on radio airtime through Cumulus radio. The website has also been updated with the information with the ability to also allow interested irrigators to download their packets and upload their completed documents back to MRGCD.

Madam Chair Dunning asked how the amount of the lease rate was determined. Mr. Ish responded that surveys went out to all four divisions, asking irrigators about different price points. After receiving feedback, MRGCD worked closely with its consultant, Ray Hartwell. For the FSL (April 1 – October 31) \$275/acre and for the PSL (June 1 – October 31) \$175/acre is the price where MRGCD felt would be enough incentive for farmers to enroll without incentivizing some of the more productive and profitable farmers as well.

Chuck DuMars asked about the role of the State Engineer once the lease is executed. Mr. Hamman responded that MRGCD's belief is that the State Engineer really has no involvement in this program, due to MRGCD's authority under the Conservancy Act, to which Dr. DuMars agreed. Dr. DuMars went on to further applaud the precedent.

Director Kelly asked what the limiting factor for the program was. Mr. Ish responded that funding plays a big role. Federal funding through the NFWF (National Fish and Wildlife Foundation) grant is one of the primary factors. The acreage goal is one that we hope will help sustain some level of flow to our strategic outfalls, and there is still some water accounting and negotiating. The target that they have established for this year is one that they think, if there's water available, will go a long way toward supporting these strategic habitat sites.

Director Kelly also asked what is the expectation in the number of acreage enrolled in the program between full and partial categories? Mr. Ish responded that they would like to see roughly 2,400 acres enrolled in the full season. As of today, approximately 230 acres are pending review, not only with himself, but also with the Mapping and Assessments Departments. Mr. Ish then walked the Board through the process of how a request is processed: the Mapping Department identifies that the land has been in irrigation in three out of the last five years; next, the Assessments Department confirms everyone is up to date on their water service charges, and lastly, the Finance team generates a vendor number for them.

Director Kelly asked if it was a first come, first serve basis. Mr. Ish responded that it is first come, first serve as far as receiving and reviewing. However, the District retains the right to enroll or not enroll, based on not only physical feasibility of the program but also financial.

Mr. Ish closed by thanking the Conservation Advisory Committee. He felt they had good input from some large farmers in the valley, as well as Director Moore, who was very much present in this program.

j. Report on the La Joya Acequia/MRGCD Agreement and 2021 Assessment Charge, February 24, 2021 - Mike Hamman, CE/CEO

Mike Hamman reported that MRGCD had a Zoom meeting with the La Joya Acequia community to discuss various issues that all water users are facing and how things will unfold. Mr. Hamman gave a history of the relationship between MRGCD and the La Joya Acequia. MRGCD has granted waivers on the agreed-to assessment charge. In recent years, the District agreed to increase in the assessment rate that would go from \$4 to \$6 to \$8 waiver and then eventually up to 25% of the current water service charge that we charge our District water users. As anyone can imagine, La Joya is extremely worried about water availability this year. Mr. Hamman noted that at some point in the future La Joya Acequia will have to wrestle with their future insofar as assessment charges, increases in those charges, and perhaps becoming part of MRGCD. However, Mr. Hamman understands the predicament that everyone is in this year, and he recommended that MRGCD grants the waiver for the increase this year.

Madam Chair Dunning questioned the possible litigation threat that had been ongoing from La Joya Acequia. Mr. Hamman responded that MRGCD did receive letters from two attorneys questioning the validity of MRGCD's actions relative to the 1977 agreement. Dr. DuMars explained to them that the State Engineer's position is they (La Joya Acequia) have no water rights; they have been forfeited for 50 years of non-use. Dr. DuMars and Mr. Hamman felt it was in everybody's interest to resolve this situation without attorneys. Dr. DuMars hopes that one day La Joya Acequia will make the choice to become part of the MRGCD.

Dr. DuMars concurs with Mr. Hamman's current request for waiving the increase in the assessment charge for La Joya Acequia for this year.

Director Kelly made the **MOTION TO SUPPORT MIKE HAMMAN'S RECOMMENDATION TO CONTINUE LA JOYA ACEQUIA'S WAIVER.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

k. Report on the Public Meeting - Title Transfer Phase 1, March 1, 2021 - Mike Hamman, CE/CEO (Directors Kelly and Russo Baca)

Mike Hamman reported that MRGCD held two sessions of a public meeting, one at 3:00 p.m. and one at 6:00 p.m. on March 1st, with Reclamation partners to explain aspects of the Title Transfer Phase 1 and the area of interest. It was moderately attended. MRGCD is in the throes of negotiating a final Memorandum of Agreement on the federal side with SHPO (State Historic Preservation Office) and also working on a quitclaim deed draft. Once the Regional Director has submitted a package to the Commissioner's Office, the Commissioner's Office signs off on it, and then it goes to Congress for 90 days. Congress does not have to vote on it. Reclamation can then finalize the title transfer and execute the quitclaim deed, releasing all federal interest in those particular parts of the project that was identified.

Dr. DuMars asked if any of the personnel changes (Secretary of Interior, etc.) that are going to happen in the near future will affect the process. Mr. Hamman replied he did not foresee because of how far into the process and as long as the District meets certain conditions, it qualifies as only an environmental assessment. He feels Phase 2 may be affected but Phase 1 should not be.

Director Kelly attended both phone calls as did Director Russo Baca. He expressed that the Board fully supported this title transfer and thanked everyone for the hard work. Director Russo Baca added that it was well attended and there did not seem to be any opposition.

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

Chuck DuMars updated the Board on Wild Earth Guardians. They are continuing to appeal the decision by the State Engineer that they did not have standing and could not complain about the issuance of extensions of time to the District and the attempts at negotiations with the District. That is going before Judge Clay Campbell although there is not yet a hearing date.

Dr. DuMars also reported that he testified against HB-30 in Santa Fe. There were very interesting and qualified farmers from Carlsbad and other parts of New Mexico who had excellent presentations regarding leasing water. The Speaker of the House, Brian Egolf, was able to get the Chair of the Committee to have it passed with no recommendation. It will then go to the House floor where he determines the order of the bills on the House floor.

Lorna Wiggins had nothing to report during Regular Session of the Board meeting but will present during Executive Session.

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report on the Conservation Advisory Meeting, February 18, 2021 - Vice Chair Baca and Director Moore

Vice Chair Baca reported that he was only able to be on the call for the first half of the meeting. He wanted to give kudos to Casey Ish, Director Moore, and everyone on the Conservation Committee for their hard work.

Director Moore reported that she was on the Family Farm Alliance meeting the first half but called in for the second half of this meeting. They discussed the environmental water leasing

program. Farmers expressed concern because they thought that the program would interfere with them leasing land (as landlords). Casey Ish addressed their concerns.

Director Baca made the **MOTION TO APPROVE THE REPORT ON THE CONSERVATION ADVISORY MEETING, FEBRUARY 18, 2021**. Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

b. Report on the Family Farm Alliance Conference, February 18-19, 2021 - Chair Dunning and Directors Moore and Russo Baca

Madam Chair Dunning reported the meeting was about forest management and the infrastructure bill. Senator Bennett from Colorado thinks forest restoration should count as infrastructure under the infrastructure bill, if it ever gets passed. She felt it was important because this group has been a little reluctant to accept climate change; however, it seems they are now on board. She had the impression that western Senators and House of Representative members are trying to protect farmers. Although it did not apply to us, they did a study in the Southern Sierras where they reduced the number of trees which led to increased water availability. She thought it was also interesting that she heard that the carbon that was put in the atmosphere from one of the larger fires in California was equivalent to a year's worth of people driving their cars in California.

Director Moore reviewed her notes and liked their theme: Bridge over Troubled Waters. She reported that Colorado is extremely dry, and Pat O'Toole thinks when the snowpack melts it will just be absorbed into the ground. She picks up much of the same topics that Madam Chair Dunning noted. She added that they discussed the 2023 Farm Bill and how it will affect farmers and watersheds. She discussed the Washington Round table and also Brenda Burman's keynote presentation. She noted the National Council of Farmer Alliance and hit some of their key topics. She was very pleased with the conference.

Director Russo Baca did not have much to add but did note the most important takeaway for her was soil health and the forests.

Vice Chair Baca made the **MOTION TO APPROVE THE REPORT ON THE FAMILY FARM ALLIANCE CONFERENCE, FEBRUARY 18-19, 2021**. Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

c. Report on the Land & Water Summit Conference, February 23-26, 2021 - Director Russo Baca

Director Russo Baca reported that the Land and Water Summit Conference was held via Whova (similar to Zoom) with over 100 attendees. She felt it interesting including breakout sessions and its goal to bring various people together. The most interesting topics to Director Russo

Baca were the acequia issues, urban issues, and water shortages. She particularly liked hearing about pollinator issues in rural versus urban areas. She noted that a gentleman reached out to see if he could put his aviary on MRGCD property. She thought there are things MRGCD can do to help pollinators in urban and rural areas.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE LAND & WATER SUMMIT CONFERENCE, FEBRUARY 23-26, 2021**. Director Kelly seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

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

1. Limited Personnel Matters

Madam Chair Dunning requested a motion to move into Executive Session.

Director Moore made the **MOTION TO GO TO INTO EXECUTIVE SESSION**. Vice Chair Baca seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED**.

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

Madam Chair Dunning adjourned the meeting at 5:35 pm.

Madam Chair Dunning reconvened the meeting at 6:07 pm.

Madam Chair requested a motion to move back into the regular Board meeting.

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

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

During Executive Session, MRGCD's CEO evaluated our Chief Financial Officer, as per her contract. Her contract requires that after six months on the job, she is supposed to be reviewed

and is eligible for a raise. After Executive Session, Mike Hamman brought Ms. Fanelli back into the Board Room. Mike Hamman had made a recommendation to the Board during Executive Session that Pam Fanelli receive a 5% raise. All Board Members seem to be in agreement that Ms. Fanelli is a wonderful employee.

Director Sandoval made the **MOTION TO ACCEPT MIKE HAMMAN'S RECOMMENDATION OF A 5% RAISE FOR MS. PAMELA FANELLI.** Director Moore seconded the motion. Rollcall vote was administered with all members voting yes. The **MOTION CARRIED.**

Director Baca	Yes	Director Moore	Yes
Director Kelly	Yes	Vice Chair Baca	Yes
Director Russo Baca	Yes	Chair Dunning	Yes
Director Sandoval	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 March 8, 2021.

ATTESTED:

 Pamela Fanelli, CMA, CGFM
 Secretary/Treasurer

 Karen Dunning, Madam Chair
 MRGCD Board of Directors