

**MINUTES OF THE
2,180th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

OCTOBER 11, 2021, 3:00 P.M.

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
Stephanie Russo Baca, Vice Chair	Present	Dr. Chuck DuMars	Chief Water Counsel
Barbara Baca, Director	Present	Lorna Wiggins	General Counsel
John Kelly, Director	Present	Jason Casuga	Chief Operating Officer
Joaquin Baca, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
Glen Duggins, Director	Present	Anne Marken	Acting Water Operations Mgr.
Michael T. Sandoval, Director	Absent	Mike Lopez	Water Distribution Div. Mgr.
		DeAnna Phillips	GIS Tech / Board Liaison

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

Viola Sanchez, BIA	Estella Gamboa, MRGCD
Nicolas Estrada	Adrienne Martinez, MRGCD
Theresa Davis, Albuquerque Journal	Alicia Lopez, MRGCD
Raymond Torres	Marie VanDerGeest, MRGCD
Max Henkels, NMDA	Julian Avalos, MRGCD
Tricia Snyder, Wild Earth Guardians	Francesca Shirley, MRGCD
Ceidric (no surname given)	Gabrielle Coughlin, MRGCD
Ashley Martinez, Wilson & Company	Judith McSweeney, MRGCD
Christopher Perea, Wilson & Company	John Thompson, MRGCD Lobbyist
Kay Lynn Rivers	Doug Strech, MRGCD
Jared (no surname given)	Casey Ish, MRGCD
Patrick Lohmann	LeeAnn Corwin, MRGCD

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Gabrielle Coughlin led the Pledge of Allegiance at today's meeting.

Madam Chair Dunning declared a quorum although Director Sandoval was absent due to a medical issue; and the meeting was publicly noticed.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Madam Chair Dunning stated that Item No. 8d did not need an approval, because the Personnel Committee met earlier that day and to be stricken from the agenda.

Director Joaquin Baca made the **MOTION TO APPROVE THE MEETING AGENDA with the above changes**. Director Barbara Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. **Consideration/Approval of Payment Ratification - October 11, 2021**
- b. **Consideration/Approval of September 2021 for Wiggins, Williams & Wiggins**

- c. **Consideration/Approval of September 2021 Invoice for Law & Resource Planning Associates, PC**
- d. **Consideration/Approval of Minutes for Regular Board Meeting - September 13, 2021**
- e. **Consideration/Approval of Minutes for Special Board Meeting - September 24, 2021**
- f. **Allocation of FY22 Approved Funds for 21 ½ Ton Pickup Trucks - Richard DeLoia, Chief Procurement Officer**
- g. **Allocation of FY22 Approved Funds for Wheeled Excavator - Ricardo Varela, Purchasing Agent**
- h. **Memo on MRGCD Approved Licenses for September 2021 (For Informational Purposes Only)**

Director Kelly made the **MOTION TO APPROVE THE CONSENT AGENDA**. Director Barbara Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 4 – DISCUSSION/APPROVAL OF THE NOVEMBER AND DECEMBER 2021 BOARD MEETING SCHEDULE - MIKE HAMMAN, CE/CEO

- a. **November 8 and December 13, 2021, are the regular meeting dates**

Mr. Hamman confirmed that there were not any conflicts with board meetings scheduling during the upcoming holiday season.

Mike Hamman introduced the newest member of the District, the safety program manager, LeeAnn Corwin, to the Board. Ms. Corwin gave a brief background saying she comes with 20 years of construction experience and infrastructure type work.

AGENDA ITEM NO. 5 – DISCUSSION ON NEW PROCEDURES FOR CONDUCTING HYBRID MEETINGS - CHAIR KAREN DUNNING

Madam Chair Dunning explained the District will continue to have hybrid meetings. She recommended the option for people to be able to submit written comments; giving the public an opportunity to say everything they want and not be limited by the 6-minute rule. Suggested a deadline by noon on Fridays prior to the meeting which will be sent to the Board by end of business; then the public to call the Board Liaison by noon on the day of the meeting.

Discussion ensued with Lorna Wiggins saying the Open Meetings Act doesn't require for the District to take names of people who attend but to give notice and allow them to attend and listen. The deadline for public comment was not supported, so no new changes were made.

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

Raymond Torres

Mr. Torres followed up on the comments he made from the August 9th meeting. He stated he had not received a call after being told he would get one to discuss his concerns over the east bank of the new Belen Canal where it was breached. Jason Casuga apologized for the oversight and assured him he would receive a call the next day.

Mr. Hamman stated they have been asked to make presentations for Valencia County on possible options for a flood control authority and are to make another presentation at the next county meeting. Mr. Torres stated they can also benefit from that, because they can use the water for irrigation needs.

Director Kelly also asked Mr. Casuga about Comcast putting a cable on the upstream side of the canal. Mr. Casuga stated that he will have to research that; typically, utility detail requires both overhead and underground utilities to be located on the outside five feet of our right of way if the right of way is appropriate to have utilities.

Vice Chair Russo Baca on behalf of Shannon Gallagher

Mr. Gallagher called Vice Chair Russo Baca and requested she make the Board aware of an LA Times article titled, "As drought worsens, California farmers are being paid not to grow crops". Director Russo Baca read a few excerpts from the article but encouraged all the members to go read the full article about farmers being paid in the town of Blythe, California to fallow their lands, and thought it sounded like a good idea to do here.

Dr. DuMars added that some of these are marginal lands that have not consumed much water, saying it's a very complex and difficult set of issues. He thinks they don't do fallowing, because of the salt and sea, because if you fallow off completely, then there's no return flows to the sea. Looking at PVID (Palo Verde Irrigation District) and looking where they're sitting, they have a great deal of exposure, and stated it's a very complicated and difficult situation to see what's happening over there.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE SECRETARY-TREASURER/CFO - Pamela Fanelli, CMA, CGFM

a. Report on Fiscal Year 2022 First Quarter Financials - Pam Fanelli, CFO and the Report on the Finance Committee Meeting, October 11, 2021 - Chair Dunning and Directors Kelly and Barbara Baca

Ms. Fanelli discussed the first quarter of fiscal year 2022; focusing on the budget to actual comparison for first quarter of 2022 versus first quarter of 2021.

Director Kelly, chair of the Finance Committee, stated that the committee met earlier that day. MRGCD is required to send the fourth quarter finances to the state for approval, however, the Board mandated that these are reviewed on a quarterly basis in which the committee found everything to be in order.

Director Kelly made the **MOTION TO ACCEPT THE FIRST QUARTER FINANCIAL REPORT**. Director Joaquin Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

The Chair had questions in which Director Kelly stated that the District engaged a telecommunications audit firm, the Spyglass Group, to review all the contracts we have for that category of our operation, and if they find savings, they get half the savings that they can prove. He felt it showed what a good job Becky (Burnham) and Josh (Hind) have been doing. Madam Chair Dunning, as a new member of the finance committee, commended the CFO for a job well done.

Middle Rio Grande Conservancy District					
Budget to Actual - General Fund					
Fiscal Year 2022, September 30, 2021 (Unaudited)					
Line	Original Budget	Revised Budget	Actual	Encumbrances	Under/Over
REVENUES					
Taxes					
1 Ad Valorem Taxes					
1a Ad Valorem Taxes - Sandoval County	1,974,848	1,974,848	19,385	-	(1,955,463)
1b Ad Valorem Taxes - Bernalillo County	13,746,102	13,746,102	223,722	-	(13,522,380)
1c Ad Valorem Taxes - Valencia County	4,341,227	4,341,227	58,904	-	(4,282,323)
1d Ad Valorem Taxes - Socorro County	531,665	531,665	3,217	-	(528,448)
2 Ad Valorem Interest					
2a Ad Valorem Interest - Sandoval County	63,000	63,000	-	-	(63,000)
2b Ad Valorem Interest - Bernalillo County	120,000	120,000	20,840	-	(99,160)
2c Ad Valorem Interest - Valencia County	35,000	35,000	3,408	-	(31,592)
2d Ad Valorem Interest - Socorro County	30,000	30,000	2,663	-	(27,337)
3 Water Service Charges	2,317,500	2,317,500	102,441	-	(2,215,059)
4 Water Bank Fees	33,000	33,000	1,102	-	(31,898)
5 Licensing Fees	69,000	69,000	20,624	-	(48,376)
6 Interest on investments	45,000	45,000	6,890	-	(38,110)
7 Project Contract Revenue - Federal	748,948	748,948	189,496	-	(559,452)
8 Project Contract Revenue - Local	307,064	307,064	-	-	(307,064)
9 Operating and Capital Grants	2,195,812	2,195,812	37,659	-	(2,158,153)
10 Other	97,600	97,600	61,473	(360)	(36,127)
11 Total revenues	26,655,766	26,655,766	751,824	(360)	(25,904,302)
EXPENDITURES					
12 Salaries	10,306,072	10,306,072	2,091,372	-	(8,214,700)
13 Employee Benefits	4,412,544	4,412,544	825,337	-	(3,587,207)
14 Employee & Board Related Costs	526,153	545,279	111,386	107,640	(526,253)
15 General & Administrative Expenses	302,729	310,888	302,328	56,268	(152,292)
16 Professional Services	407,600	411,579	44,534	195,520	(160,725)
17 Insurance & Legal Services	1,395,200	1,330,535	547,089	710,707	(71,839)
18 Technology & Communication	544,322	548,119	145,163	48,241	(254,715)
19 Ad Valorem Collection Fee					
19a Ad Valorem Collection Fee Sandoval	20,380	20,380	194	-	(20,186)
19b Ad Valorem Collection Fee Bernalillo	277,500	277,500	4,660	-	(272,840)
19c Ad Valorem Collection Fee Valencia	5,800	5,800	59	-	(5,741)
19d Ad Valorem Collection Fee Socorro	132,000	132,000	1,835	-	(130,165)
20 Utilities	175,060	178,060	30,276	444	(144,440)
21 Facility Maintenance	38,380	55,760	30,782	24,369	(4,609)
22 Division Maintenance, Const, Rehab	1,197,800	1,191,417	158,988	217,354	(815,075)
23 Vehicle & Equipment O&M	1,586,300	1,580,443	331,762	80,466	(1,582,215)
24 Federal O&M Services	885,232	885,232	234,187	651,045	-
26 Governmental Agreements & Projects	420,678	420,678	34,639	12,000	(374,039)
27 Projects	1,650,000	1,652,705	2,705	121,790	(1,628,300)
28 Endangered Species Act Projects	150,000	150,000	-	-	(150,000)
29 Operating & Capital Grants					
29a Wages	155,000	155,000	17,069	-	(137,931)
29b Fringes	-	-	4,134	-	4,134
30 Other Grant Expenditures	1,612,528	1,632,528	20,073	32,227	(1,360,228)
31 Debt service					
31a Principal retirement	817,431	817,431	-	-	(817,431)
31b Interest	96,833	96,833	-	-	(96,833)
32 Capital outlay	4,902,600	4,902,360	30,360	717,459	(4,154,541)
35 Total expenditures	32,620,142	32,620,143	4,970,032	2,979,440	(24,671,671)
Excess (deficiency) of revenues less expenditures					
36 Expenditures	(5,364,376)	(5,364,377)	(4,218,208)	(2,979,800)	(1,832,631)
OTHER FINANCING SOURCES (USES)					
37 Equipment disposition proceeds	25,000	25,000	113	-	(24,887)
38 Transfers in	(250,000)	(250,000)	2,705	-	252,705
39 Transfers out	-	-	(2,705)	-	(2,705)
40 Total other financing sources and (uses)	(225,000)	(225,000)	113	-	225,113
41 Net change in fund balance	(5,589,376)	(5,589,377)	(4,218,095)	(2,979,800)	(1,607,518)

Middle Rio Grande Conservancy District				
General Fund - Comparison of FY 22 to FY 21 Actual Revenues & Expenditures				
For the Periods Ending September 30, 2020 and 2021 (Unaudited)				
Line	2021 Actual	2022 Actual	Increase (Decrease) FY22 over FY21	
REVENUES				
Taxes				
1 Ad Valorem Taxes				
1a Ad Valorem Taxes - Sandoval County	21,642	19,385	(2,257)	
1b Ad Valorem Taxes - Bernalillo County	192,192	223,722	31,530	
1c Ad Valorem Taxes - Valencia County	71,442	58,904	(12,538)	
1d Ad Valorem Taxes - Socorro County	3,884	3,217	(667)	
2 Ad Valorem Interest				
2a Ad Valorem Interest - Sandoval County	10,885	-	(10,885)	
2b Ad Valorem Interest - Bernalillo County	19,372	20,840	1,468	
2c Ad Valorem Interest - Valencia County	3,774	3,408	(366)	
2d Ad Valorem Interest - Socorro County	1,264	2,663	1,399	
3 Water Service Charges	120,615	102,441	(18,174)	
4 Water Bank Fees	1,931	1,102	(829)	
5 Licensing Fees	6,590	20,624	12,034	
6 Interest on investments	15,074	6,890	(8,184)	
7 Project Contract Revenue - Federal	180,461	189,496	9,035	
8 Project Contract Revenue - Local	-	-	-	
9 Operating and Capital Grants	-	37,659	37,659	
10 Other	31,462	61,473	30,011	
11 Total revenues	683,580	751,824	68,244	
EXPENDITURES				
12 Salaries	2,194,821	2,091,372	(103,449)	
13 Employee Benefits	875,339	825,537	(49,802)	
14 Employee & Board Related Costs	100,104	111,386	11,282	
15 General & Administrative Expenses	60,579	302,328	241,749	
16 Professional Services	74,741	44,534	(30,207)	
17 Insurance & Legal Services	447,193	547,089	100,796	
18 Technology & Communication	166,323	145,163	(21,160)	
19 Ad Valorem Collection Fee				
19a Ad Valorem Collection Fee Sandoval	324	194	(130)	
19b Ad Valorem Collection Fee Bernalillo	4,018	4,660	642	
19c Ad Valorem Collection Fee Valencia	51	59	8	
19d Ad Valorem Collection Fee Socorro	2,219	1,835	(384)	
20 Utilities	46,498	30,276	(16,222)	
21 Facility Maintenance	9,358	30,782	21,424	
22 Division Maintenance, Const, Rehab	209,966	158,988	(50,978)	
23 Vehicle & Equipment O&M	279,501	331,762	52,261	
24 Federal O&M Services	219,206	234,187	14,981	
26 Governmental Agreements	351,775	34,439	(317,336)	
27 Endangered Species Act Projects	(10,829)	2,705	13,534	
28 Operating & Capital Grants	50,000	-	(50,000)	
29 Wages	13,675	17,069	3,394	
29a Fringes	2,951	4,134	1,183	
30 Other Grant Expenditures	29,676	20,073	(9,603)	
31 Debt service:				
31a Principal retirement	-	-	-	
31b Interest	681	-	(681)	
32 Capital outlay	16,727	30,360	13,633	
34 Total expenditures	5,144,897	4,970,032	(174,865)	
35 Excess (deficiency) of revenues less Expenditures	(4,462,309)	(4,218,208)	244,101	
OTHER FINANCING SOURCES (USES)				
37 Equipment disposition proceeds	-	113	113	
38 Transfers in	-	2,705	2,705	
39 Transfers out	(958,129)	(2,705)	955,424	
40 Total other financing sources and (uses)	(958,129)	113	958,242	
40 Net change in fund balance	\$ (5,400,438)	\$ (4,218,095)	\$ 1,182,343	

b. Update on the Loan Application Status - Pam Fanelli, CFO

Ms. Fanelli stated they budgeted and applied for a \$3 million dollar loan. She explained since the District was not on the legislative authorization list for this last legislative session, MRGCD was only approved for \$1 million but have the ability to apply for the other \$2 million once on the list.

AGENDA ITEM NO. 8 - REPORT FROM THE HUMAN RESOURCES DIRECTOR - Christine Nardi, MBA

a. Consideration/Approval of Resolution #M-10-11-21-174 to Terminate the MRGCD Participation in the Voya 457(b) Deferred Compensation Plan Accounts #VB1636 and #VFG667 - Pam Fanelli, CFO and Christine Nardi, HR Director

b. Consideration/Approval of Resolution #M-10-11-21-175 to Terminate the MRGCD Participation in the State of NM Deferred Compensation Plan PERA Smartsave - Pam Fanelli, CFO and Christine Nardi, HR Director

c. Consideration/Approval of Resolution #M-10-11-21-176 to Adopt Custom Voya 457(b) Deferred Compensation Plan through Legacy Financial Group - Pam Fanelli, CFO and Christine Nardi, HR Director

Ms. Nardi began by defining the 457(b) Deferred Compensation Plan, which is an employer sponsored IRS sanctioned tax deferred savings account that allows employees to make pretax contributions towards their retirement. Saying it's primarily for employees of public entities, such as state agencies, municipalities, etc. She stated it was similar to a 401k plan for private employers. Employees participate in the plan on a strictly voluntary basis and unlike a 401k plan, the District does not contribute matching funds towards the 457(b) plan.

She explained the two different 457(b) plans that already exist Voya and PERA SmartSave but suggested transitioning the old Voya Plan and PERA SmartSave plan into a new custom deferred plan offered by Legacy financial Group to better meet the employee's needs.

Madam Chair Dunning reported that Chris Giron, the representative, was on site and answered all their questions regarding the new plan during the personnel committee meeting.

Director Kelly asked about the benefits and services the new firm would provide, which included college plans, long term healthcare insurance, life insurance, Roth IRA, etc. Director Kelly asked Lorna Wiggins if she recommended to terminate the two contracts and go with the new custom plan, and she answered yes.

Director Kelly made the **MOTION TO APPROVE RESOLUTION #M-10-11-21-174 TO TERMINATE OUR PARTICIPATION IN VOYA DEFERRED COMPENSATION PLAN, AND TO APPROVE #M-10-11-21-175 TO TERMINATE OUR PARTICIPATION IN THE STATE OF NEW MEXICO DEFERRED COMPENSATION PLAN AND TO APPROVE RESOLUTION #M-10-11-21-175 TO ADOPT THE CUSTOM VOYA 457(b) DEFERRED COMPENSATION PLAN THROUGH LEGACY FINANCIAL GROUP.** Director Barbara Baca seconded the motion. **THE MOTION CARRIED UNANIMOUSLY.**

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT

TERMINATING MIDDLE RIO GRANDE CONSERVANCY DISTRICT'S
PARTICIPATION IN THE VOYA 457(b) DEFERRED COMPENSATION PLAN
ACCOUNTS #VB1636 AND #VFG667

M-10-11-21-174

WHEREAS, the Middle Rio Grande Conservancy District Board of Directors adopted the VOYA 457(b) Deferred Compensation Plan, Accounts #VB1636 and #VFG667 over 20 years ago,

WHEREAS, VOYA 457(b) Deferred Compensation Plan, Accounts #VB1636 and #VFG667 are no longer open for enrollment to MRGCD employees through salary reductions contributions,

WHEREAS, VOYA 457(b) Deferred Compensation Plan, Accounts #VB1636 and #VFG667 are no longer actively managed by a 457(b) Deferred Compensation plan sponsor,

WHEREAS, the Middle Rio Grande Conservancy District Board of Directors is adopting a new custom 457(b) Deferred Compensation Plan sponsored by Legacy Financial Group,

WHEREAS, the Middle Rio Grande Conservancy District Board of Directors agrees to terminate MRGCD's participation in the VOYA 457(b) Deferred Compensation Plan Account #VB1636 and Account #VFG667

NOW, THEREFORE, BE IT RESOLVED, the Middle Rio Grande Conservancy District Board of Directors hereby terminates the Middle Rio Grande Conservancy District's participation the VOYA 457(b) Deferred Compensation Plan Accounts #VB1636 and #VFG667.

DATED AND RESOLVED this 11th day of October 2021.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Chair

ATTEST:

Pamela Fanelli, Secretary/Treasurer

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT

TERMINATING MIDDLE RIO GRANDE CONSERVANCY DISTRICT'S
PARTICIPATION IN THE STATE OF NEW MEXICO DEFERRED COMPENSATION
PLAN PERA SMARTSAVE

M-10-11-21-175

WHEREAS, the Middle Rio Grande Conservancy District Board of Directors adopted the State of New Mexico Deferred Compensation Plan – PERA SmartSave on May 1, 2017, via Resolution M-05-08-18-148

WHEREAS, the Middle Rio Grande Conservancy Board of Directors agreed to abide by Section 1 of Resolution M-05-08-18-148 to abide by the terms of the Plan, including amendments to the Plan made by the Public Employees Retirement Board, all investment, administrative, and other service agreements of the plan, and all applicable provisions of the Internal Revenue Code and other applicable law;

WHEREAS, the Middle Rio Grande Conservancy Board of Directors agreed to abide by Section 2 of Resolution M-05-08-18-148 where the Middle Rio Grande Conservancy District may terminate its participation in the Plan, if it takes the following actions:

- (a) A resolution must be adopted terminating its participation in the Plan
- (b) The resolution must be filed with the Deferred Compensation Manager and the Public Employees Retirement Board within 15 working days of approval by the governing body of the local public body.
- (c) The resolution must be filed not less than two years after the date the MRGCD participation became effective.

WHEREAS, the Middle Rio Grande Conservancy Board of Directors agreed to abide by Section 2 of Resolution M-05-08-18-148 where the Middle Rio Grande Conservancy District may terminate its participation in the Plan.

WHEREAS, the Middle Rio Grande Conservancy District Board of Directors agrees to terminate MRGCD's participation in the PERA SmartSave Deferred Compensation Plan.

NOW, THEREFORE, BE IT RESOLVED, the Middle Rio Grande Conservancy District Board of Directors hereby terminates the Middle Rio Grande Conservancy District's participation the State of New Mexico Deferred Compensation Plan – PERA SmartSave.

DATED AND RESOLVED this 11th day of October 2021.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Chair

ATTEST:

Pamela Fanelli, Secretary/Treasurer

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT
ADOPTING CUSTOM VOYA 457(b) DEFERRED COMPENSATION PLAN
THROUGH LEGACY FINANCIAL GROUP**

M-10-11-21-176

WHEREAS, the Middle Rio Grande Conservancy District ("MRGCD") Board of Directors has resolved to adopt the custom VOYA 457 (b) Deferred Compensation Plan through the Legacy Financial Group, Agent of Record and;

WHEREAS, the State of New Mexico has enacted the Deferred Compensation Act (NMSA 1978 Section 10-7A-1 et seq.) which permits any local public employer to adopt a Deferred Compensation Plan as approved, pursuant to NMSA 1978 Section 10-7A-6, and;

WHEREAS, VOYA, through Legacy Financial Group the Agent of Record, has established and maintains a 457 (b) Deferred Compensation Plan ("Plan") for participation by MRGCD employees;

WHEREAS, the MRGCD as a "Participating Employer" desires to adopt the Plan for participation by its employees;

WHEREAS, the MRGCD has also determined that it wishes to encourage employees' savings for retirement by offering salary reduction contributions, and;

WHEREAS, The MRGCD has reviewed the Plan; and by adopting the Plan, the MRGCD adopts the investments and services selected by Legacy Financial Group, the Agent of Record and agrees to abide by the terms of the Plan, including amendments to the Plan made by VOYA through the Legacy Financial Group, the Agent of Record, all investment, administrative, and other service agreements of the plan, and all applicable provisions of the Internal Revenue Code and other applicable laws as required by the second paragraph of the Preamble of the Plan Document and agrees that it may terminate its participation in the Plan if it takes the following actions as required by Section 6.2 of the Plan Document:

- (a) A resolution must be adopted terminating its participation in the Plan
- (b) The resolution must be filed with the Legacy Financial Group, the Agent of Record within 15 working days of approval by the MRGCD governing body.
- (c) The resolution must be filed not less than two (2) years after the date the MRGCD participation became effective.

NOW, THEREFORE, BE IT RESOLVED, the Middle Rio Grande Conservancy District Board of Directors hereby adopts the custom VOYA 457(b) Deferred Compensation Plan through Legacy Financial Group, the Agent of Record and authorizes the Chief Engineer/CEO to execute such Plan on behalf of the MRGCD; and authorizes the Human Resource Department to implement the Plan and take action to implement and correctly maintain the Plan in accordance with this Resolution.

DATED AND RESOLVED this 11th day of October 2021.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Chair

ATTEST:

Pamela Fanelli, Secretary/Treasurer

AGENDA ITEM NO. 9 – REPORT(S) FROM THE CHIEF ENGINEER - Mike A. Hamman, PE

a. Report on the End of Irrigation Season - Anne Marken, Acting Water Operations Division Manager and Mike Lopez, Water Distribution Division Manager

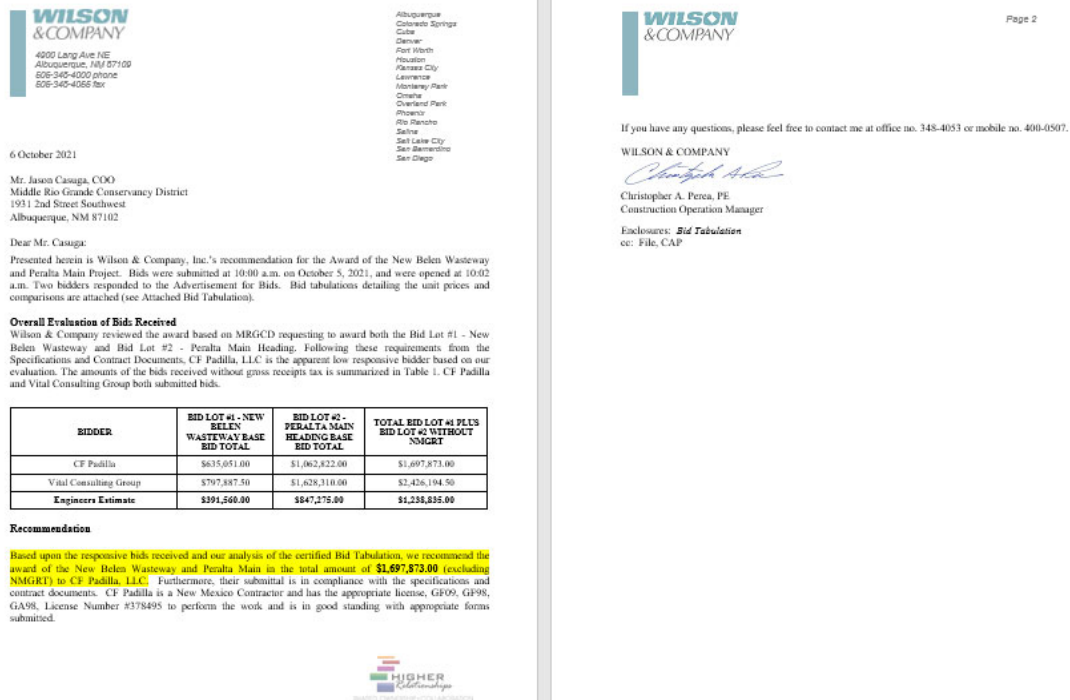
Mike Lopez gave a report on September rains and its impact on their works. He also stated they finished deliveries to non-pueblo irrigators and are actively making deliveries to the pueblos. Mr. Lopez expressed the major focus for the off season to provide various in-house training for the ISOs. Communication, scheduling, public outreach, and feedback from property owner surveys will be helpful.

Director Duggins asked if the Bernalillo pumping system and the one on Cuba Road were going to be revamped this winter. Mr. Lopez said both of those areas are being investigated. Director Russo Baca asked about updating technology and getting away from paper logbooks to which Mr. Lopez stated they are moving in that direction.

Anne Marken stated MRGCD irrigation season ended on October 1st, with the exception of the pueblo irrigation. She stated snowpack conditions were well below average going into the 2021 irrigation season. She also explained it was hot and dry through September, which made it difficult to meet non-pueblo deliveries through September. Ms. Marken stated there is 85 CFS crossing the Colorado Border and the Rio Chama at 25 CFS. She stated 390 CFS is entering the Middle Valley today, which 90 CFS is federal lease San Juan-Chama water. Ms. Marken expressed the National Weather Service three-month precipitation outlook is 60 to 70% likely to be below average.

b. Consideration/Approval of Contract for the Peralta Main Canal Heading and the New Belen Wasteway Outfall Control Structure - Jason Casuga, COO

Mr. Casuga reported that the procurement process for the project was completed and recommend accepting Wilson & Company's recommendation to award the construction contract to CF Padilla, LLC in the amount of \$1,697,873.00 (excluding New Mexico gross receipts tax). He mentioned and explained the award letter received from Wilson & Company; who also did the bid tabulation. Mr. Casuga stated the new Belen Wasteway is tied to a grant, and the grant agent agreed to cover an additional \$100,000 of shortfall on that.



Director Kelly stated that the Finance Committee reviewed three different options, and they decided to use the remaining amount in the Capitol Reserve Fund for a portion of the shortfall, and then transfer some funds from the building design for the Albuquerque shop. Director Kelly also asked the Board members to look at the list of bid items involved in this project as he's very pleased with the level of engagement with our local licensed contractors to do work that's so important for the District.

Jason Casuga thanked Tyler Ashton with Wilson & Company for helping to put plans together and working with the engineering staff. And then to Chris Perea and his team guiding through the construction process and the construction management of the project.

Director Kelly made the **MOTION TO APPROVE THE CONTRACT WITH CF PADILLA, LLC, IN THE AMOUNT OF \$1,697,873.⁰⁰**. Director Joaquin Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

c. Consideration/Approval of the NM Water Trust Board Resolution M-10-11-21-173 - Mike Hamman, CE/CEO

Mr. Casuga discussed the resolution to submit an application for the funds for planning, design and construction services for the Socorro Main Canal North Conveyance Improvement Project. He stated he was directed to move forward with working on getting the Water Trust Board application in with a design analysis report, which was successfully submitted on Friday.

Discussion ensued regarding the design and construction of the project. Dr. DuMars questioned the distance of the project versus what the resolution states for clarification

purposes and was not asking for a change to the resolution. Mr. Hamman stated this is just the start of trying to get many of the main canals lined and efficient, to manage water really tightly.

RESOLUTION NO. M-10-11-21-173

A RESOLUTION BY THE BOARD OF DIRECTORS, THE GOVERNING BODY OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, WHEREBY THE BOARD OF DIRECTORS INSTRUCTS MIDDLE RIO GRANDE CONSERVANCY DISTRICT STAFF TO SUBMIT AN APPLICATION FOR THE FUNDS THROUGH THE WATER TRUST BOARD FOR PLANNING, DESIGN, AND CONSTRUCTION SERVICES FOR THE SOCORRO MAIN CANAL NORTH CONVEYANCE IMPROVEMENT PROJECT.

WHEREAS, *The Middle Rio Grande Conservancy District* ("Governmental Unit") is a qualified entity through the Water Project Finance Act [72-4A-1 NMSA 1978] and the *Board of Directors* ("Government Body") has the authority to authorize public projects for benefit of the Governmental Unit; and

WHEREAS, the Water Trust Board ("Board") has instituted a program for financing of projects and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Board for public projects; and

WHEREAS, the Governing Body recommends that an application be filed with the Water Trust Board for Planning, Design, and Construction Services for the Socorro Main Canal North Conveyance Improvements Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS, THE GOVERNING BODY OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT that the filing of an application to the New Mexico Water Trust Board for funding in the 2022 Water Project Fund funding cycle is hereby authorized. The project type falls under Water Storage, Conveyance and Delivery and proposes planning, design, and construction services for the Socorro Division Conveyance Improvements Project in order to reduce carriage loss and increase conveyance efficiency by re-cutting and concrete lining the Socorro Main Canal from San Acacia to San Antonio, NM. The financial assistance requested is in the amount of \$7,155,000. The Middle Rio Grande Conservancy District hereby pledges a 15% local match in the amount of \$1,073,250.00 in support of the application.

1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, and the same is hereby ratified, approved and confirmed.
2. That the Application authorized by the Governing Body, be and the same is hereby approved and confirmed.
3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Board for its review, and are further authorized to take such other action as may be requested by the Board in its consideration and review of the Application and to further proceed with arrangements for financing the Project.
4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.
5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 11th day of October 2021.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Karen Dunning, Board Chair

ATTEST:

Pamela Fanelli, Secretary-Treasurer

Director Russo Baca made the **MOTION TO APPROVE RESOLUTION M-10-11-21-18-173**. Director Barbara Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

d. Report on the NM Watershed and Dam Owners Coalition Annual Conference & Workshop, September 29 to October 1, 2021 - Jason Casuga, COO & Alicia Lopez, Engineering & Mapping Manager

Ms. Alicia Lopez discussed her first experience at the conference and workshop on what interested her on the technical track. Mr. Casuga added that he did the policy track. He thought that a presentation on climate change from Dr. Bruce Thompson, with UNM, was extremely well done.

Mr. Hamman shared NMISC is conducting its water planning process, and Bruce Thompson and others work together and create the climate assessment report and suggested everyone read it. He stated the next phase will be the resiliency assessment, and then looking at the gaps to address resiliency issues.

e. Summary Update on the Environmental Water Leasing Program - Casey Ish, Water Resources Specialist

Casey Ish gave a presentation on the Environmental Water Leasing Program and summary from this year's efforts, the Rocky Mountain Youth Corp Safety and Maintenance Grant Project, the Middle Rio Grande Elk Depredation Hunt, and the RCPP (Regional Conservation Partnership Program).

Mr. Ish began with an overview of the Conservation Program and the Environmental Water Leasing Program (EWLP). He announced that enrolled landowners are not allowed to use water service through wells or MRGCD facilities but are still allowed to dryland farm. Mr. Ish also stated leased water is delivered to the strategic outfalls with the goal of delivering as little water as necessary to keep refugial habitats cool and viable for fish.

Mr. Ish provided a summary of the results from the 2020 and 2021 Irrigation EWLP summary and a quick overview of where the outfalls are located. He also mentioned the delivery trigger, explaining that when the gauge is below 100 CFS during irrigation season, that meant our account was being debited, and when above 100 CFS that means there's enough water in the system. Mr. Ish gave a brief summary of the monthly crediting of the account.

Mr. Hamman explained the Bosque Farms Gauge keeps the river pretty stable, keeps the fish numbers up, and creates a habitat. He expressed they are very hopeful they will be over the fish population target. Director Duggins asked if the current outfalls are connected to the resolution they passed prior relating to the outfalls. Mr. Hamman explained the process. However, Mr. Duggins stated that leasing of water is causing problems for the famers that are leasing land, but Mr. Hamman assured him that they've made arrangements to prevent that.

Casey Ish reiterated that the Board is welcome to tune into the CAC meeting where they drafted the agreement for the leasing program and spoke to farmers about guardrails and concerns into the verbiage of the document. He stated the Conservation Advisory Committee put together a pilot program that they sent to some people who were irrigated off these ditches.



CONSERVATION PROGRAM OVERVIEW

- Improving the District's resiliency in response to an increasingly variable water supply.
- Enhancing water delivery efficiency on farm in West culture.
- Encouraging sustainable agriculture in the Middle Rio Grande Valley.
- Providing technical and financial support to farmers.
- Supporting riparian habitat and species conservation.
- Maintaining our obligations to the Rio Grande Compact and ALIA Biological Opinion.
- Initial funding provided by a grant through the Bureau of Reclamation, which is used by National Fish and Wildlife Foundation (NFWF).

A guiding principle for the Conservation Program is that sustaining healthy agriculture in the Middle Rio Grande Valley is crucial to maintaining a healthy Rio Grande ecosystem.



Monthly Crediting of Account

Month	Percent of Annual FDR	Crediting Date	Gross FDR (AF)	Gross FDR (acres/ft)	Full Season	Partial Season (June 1)	Total	Adjustment Factor	EWA Credit			
									Per Acre (acre/ft)	AF Credit (acres/ft)	Per Acre (acres/ft)	
March	7%	1-Apr	0.09	1.04	579.3	0	579.3	0%	-	-	-	
April	17%	1-May	0.17	6.12	579.3	0	579.3	80%	0.33	379	6.12	
May	18%	1-Jun	0.18	6.84	579.3	0	579.3	80%	0.37	338	6.84	
June	18%	1-Jul	0.18	6.84	579.3	42.86	721.96	70%	0.63	386	6.84	
July	18%	1-Aug	0.18	6.84	579.3	42.86	721.96	70%	0.63	311	5.17	
August	18%	1-Sep	0.18	5.04	579.3	42.86	721.96	65%	0.58	271	3.34	
September	8%	1-Oct	0.08	3.68	579.3	42.86	721.96	45%	0.11	40	1.67	
October	7%	1-Nov	0.07	3.36	579.3	42.86	721.96	0%	-	-	-	
TOTAL			1.11	36.06					1.43	1,616.3	29.42	82%

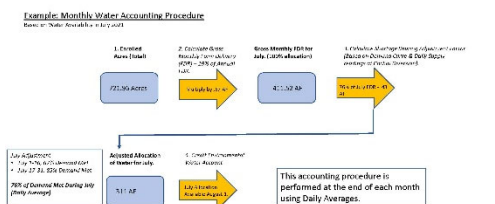
2021 July 1 - 31: 100% of the water delivered to the outfalls is credited to the EWA account which means no water is credited to the EWA account for the month of July.

Environmental Water Leasing Program (EWLP)

- Voluntary opportunity for eligible irrigators to lease irrigation of forage crops for Partial or Full Season in exchange for monetary compensation.
- Enrolled landowners are permitted to dryland farm.
- No harm done to non-participating irrigators and their water deliveries.
- Farmers who were not enrolled in the EWLP had more water available to them in the early part of the irrigation season as a result of this program reducing overall demand by 579 acres in the Full Season Lease option.
- Leased water is delivered to strategic outfalls to support R2SM (minnow) refugia habitat.
- Water provides thermal refuge for the minnow when river drying is occurring, helping to maintain the viable population until main stem flows increase in the Fall.
- Important tool for the District in maintaining our 2010 Biological Opinion Obligations.

Environmental Water Leasing Program (EWLP) Leasing Summary

- 2020 Lease offer was \$450/enrolled acre (Partial Season Only)
 - 1,616.3 acres enrolled in County as a pilot program.
 - 200 acres enrolled.
 - 30 enrolled irrigators.
 - \$750,000 in lease payments made to landowners.
 - Survey results returned a positive reaction from enrolled irrigators re: the program.
- 2021 Partial Season Lease offer was \$175/acre (Full Season Lease Offer was \$275/acre)
 - Open to all four Divisions of the District.
 - 724 acres enrolled (44, 754, 579, 754).
 - 44 enrolled irrigators.
 - \$126,775 in lease payments to landowners.





g. 2021/2022 Elk Population Control Program in Valencia and Socorro Counties - Casey Ish, Water Resources Specialist

Casey Ish gave an update on the Middle Rio Grande Valley Elk Depredation Hunt. He stated the results are not in yet on the season, and probably won't be in until the end of the year. He stated they included archery for this season for the first time. He also expressed the goal of the program is to keep herds mobile and move to help reduce property damage, such as fences, crops, etc.

2021 Middle Rio Grande Valley – Elk Depredation Hunt

2020 Hunt Stats	2021 Hunt Stats
<ul style="list-style-type: none"> 13 participating landowners 2,502 acres of private land enrolled Success rates were low, reflecting the difficulty of the hunt 	<ul style="list-style-type: none"> 16 participating landowners 2,757 acres of private land enrolled Season extended to include Archery only in September and early October



h. Report on the Natural Resources Conservation Service (NRCS) Regional Conservation Partnership Program (RCPP) - Alternative Funding Arrangements

(AFA) \$2.89M Funding Award - Mike Hamman, CE/CEO and Casey Ish, Water Resources Specialist

Mr. Hamman explained what the Regional Conservation Partnership Program is and why the District participates in it. He stated they were frustrated with NRCS (Natural Resources Conservation Service EQIP (Environmental Quality Incentives) Program, because they could not share basic data because of privacy act issues. Mr. Hamman said they believe they can do a better job, so they have an Alternative Funding Arrangement where an entity can step into the shoes of the NRCS.

Casey Ish stated the Fish & Wildlife have opened up their facilities to us. He also stated they've brought before the district an infrastructure farm delivery improvement strategy. He expressed they also proposed strategic outfall enhancement, farming for wildlife, and leasing over cropping opportunities as to be up for negotiations.



i. Set Dates for October and November Field Visits to Farming Operations in Valencia and Socorro Counties - Mike Hamman, CE/CEO

Mr. Hamman announced that Mr. Travis Harris and his dad offered to host down in San Antonio, NM in November. He's working on different options for a farmer in Valencia County but needed some dates of when to do both of these field visits. Discussion ensued on which dates they would be available and what would occur for each.

AGENDA ITEM NO. 10- REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel and/or General Counsel

Ms. Lorna Wiggins addressed the Board in Executive Session.

Dr. DuMars discussed four different items. The first he touched on regarding the Wild Earth Guardians suit to invalidate the retroactive granting of our extension of time. The case was turned down and they've appealed to the water judge. He mentioned they are still waiting for the state of Texas to file the supplemental complaint to the US Supreme Court in the Texas vs. New Mexico case. Another case in the lower Rio Grande, he mentioned the state of Texas and the New Mexico Interstate Stream Commission (NMISC) protested their transfer of a water right for a sod farm. But Dr. DuMars then stated after he challenged them, Texas dropped their

protest and New Mexico Interstate Stream Commission also is talking about dismissing their protest because the Elephant Butte Irrigation District considers itself part of Texas, could do discovery against the NMISC and their experts. Lastly, he felt it's very stressful that positions cannot be filled due to the Office of the State Engineers budget.

AGENDA ITEM NO. 11 – REPORT(S) FROM THE BOARD

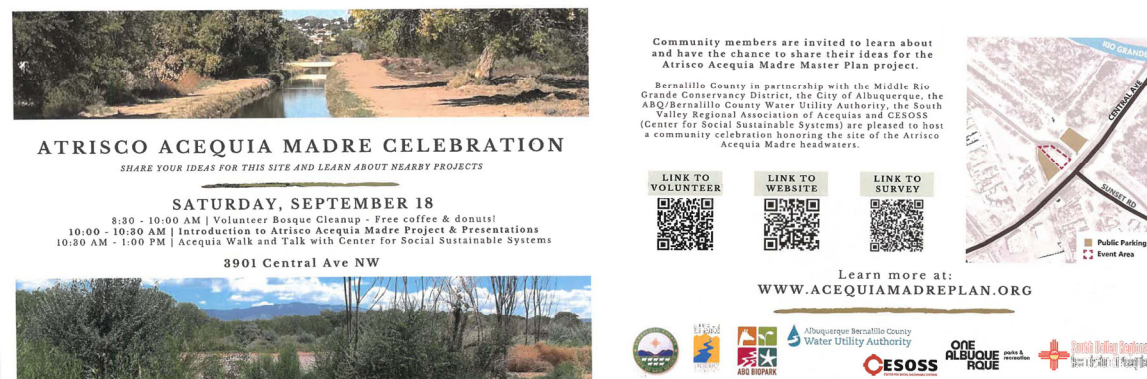
a. Report on the Mid-Region Council of Governments Metropolitan Transportation Board Meeting, September 17, 2021 - Director Barbara Baca

Director Barbara Baca stated they had a simple one hour meeting which approved the amended transportation program (TIP).

Director Joaquin Baca made the **MOTION TO APPROVE THE REPORT ON THE MID-REGION COUNCIL OF GOVERNMENTS METROPOLITAN TRANSPORTATION BOARD MEETING**. Vice Chair Russo Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

b. Report on the Atrisco Acequia Madre Celebration, September 18, 2021

Director Barbara Baca passed out an advertisement with the website they created saying that Site Southwest, the contractor on this planning project, did a professional and excellent job. The project is a four-way partnership between the City, the county of Bernalillo, MRGCD and the Water Utility Authority. She mentioned there was a really good turnout with over 70 people including the mayor, commissioner and two city counselors. She felt there's real potential for some amazing work.



The poster for the Atrisco Acequia Madre Celebration features a scenic view of the acequia at the top. The text reads: **ATRISCO ACEQUIA MADRE CELEBRATION**, *SHARE YOUR IDEAS FOR THIS SITE AND LEARN ABOUT NEARBY PROJECTS*. The event is on **SATURDAY, SEPTEMBER 18**. Activities include: 8:30 - 10:00 AM | Volunteer Bosque Cleanup - Free coffee & donuts!; 10:00 - 10:30 AM | Introduction to Atrisco Acequia Madre Project & Presentations; 10:30 AM - 1:00 PM | Acequia Walk and Talk with Center for Social Sustainable Systems. The location is **3901 Central Ave NW**. To the right, a map shows the site location near Central Ave and Santa Fe Ave. Below the map are three QR codes labeled 'LINK TO VOLUNTEER', 'LINK TO WEBSITE', and 'LINK TO SURVEY'. The website **WWW.ACEQUIAMADREPLAN.ORG** is listed. At the bottom, logos for the Middle Rio Grande Conservancy District, Albuquerque Bernalillo County Water Utility Authority, CESOSS, and the City of Albuquerque are displayed.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE ATRISCO ACEQUIA MADRE CELEBRATION, SEPTEMBER 18, 2021**. Director Russo Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY**.

c. Report on the Great NM Chile Taste-Off Event, September 18, 2021 - Vice Chair Russo Baca and Director Duggins

Gabrielle Coughlin who had a booth representing the District regarding soil samples at the event addressed the Board and said Director Duggins farm, Cinco Estrella, won for best green Chile this year. She stated it was a very good showing, where they crowned the Chile queen and had a parade prior to the event.

Director Duggins reported that they filled Socorro up with John Deeres. He expressed how much it meant to him that they won and to see MRGCD staff, Lorna and Bruce Wiggins. He also stated that we all play on one team, the pueblos, the farmers and felt that it's harmful if played against another.

Vice Chair Russo Baca talked about her time there with her kids and how good the turnout was. She helped cover the booth where people would ask Ms. Coughlin about their properties soil samples; among other things.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE GREAT NM CHILE TASTE-OFF EVENT, SEPTEMBER 18, 2021.** Director Joaquin Baca seconded the motion. The **MOTION CARRIED UNANIMOUSLY.**

d. Report on the Legislative Committee Meeting, September 24, 2021 - Director Barbara Baca, Vice Chair Russo Baca, and Director Joaquin Baca

Director Barbara Baca stated they had a very good meeting with the Legislative Committee and staff. She also discussed the Local Elections Act and asked the staff to put a resolution together and requested to make an agenda item for next month's meeting to discuss the Local Elections Act and how to proceed forward with that.

Director Kelly made the **MOTION TO APPROVE THE REPORT ON THE LEGISLATIVE COMMITTEE MEETING, SEPTEMBER 24, 2021.** Vice Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY.**

AGENDA ITEM NO. 12 – EXECUTIVE SESSION

a. NMSA 1978 Open Meetings Act, Section 10-15-1(H)7

1. Threatened or Pending Litigation

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

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

Director Barbara Baca	Yes	Vice Chair Russo Baca	Yes
Director Sandoval	Absent	Director Duggins	Yes
Director Kelly	Yes	Director Joaquin Baca	Yes
Madam Chairwoman	Yes		

Madam Chair Dunning Adjourned the meeting at 6:08 pm. Director Duggins left the meeting at this time; did not attend the executive session

Madam Chair Dunning reconvened the meeting at 6:30 pm.

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

Director Barbara Baca	Yes	Vice Chair Russo Baca	Yes
Director Sandoval	Absent	Director Duggins	Absent
Director Kelly	Yes	Director Joaquin Baca	Yes
Madam Chairwoman	Yes		

During Executive Session, updates were given on actual litigation. No decisions were made, nor any votes taken during Executive Session.

With no further comments, questions or concerns, Madam Chair Dunning adjourned the meeting at 6:31 pm.

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

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Karen Dunning, Madam Chair
MRGCD Board of Directors