

**MINUTES OF THE
2,207th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

JANUARY 8, 2023 - 3:00 PM

Directors having been duly notified; Madam Chair Russo Baca called the regular meeting to order at 3:01 pm. The following Directors and Staff were present:

DIRECTORS		STAFF	
Stephanie Russo Baca, Madam Chair	Present	Jason Casuga	Chief Engineer/CEO
Karen Dunning, Vice Chair	Present	Lorna Wiggins	General Counsel
Brian Jiron, Director	Present	Dr. Charles DuMars	Chief Water Counsel
Michael T. Sandoval, Director	Present	Pamela Fanelli	Secretary-Treasurer/CFO
John P. Kelly, Director	Absent	Eric Zamora	Chief Operating Officer
Glen Duggins, Director	Absent	Anne Marken	Water Distribution Division Mgr.

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

Christine Nardi, MRGCD	Sarah Delavan, BIA	Jerry Montano
Richard DeLoia, MRGCD	Alicia Lopez, MRGCD	Martin Hayes
Casey Ish, MRGCD	Colin Baugh	Luke Smith
Judith McSweeney, MRGCD	John Fleck, UNM	Ashley Veihl, MRGCD
Doug Strech, MRGCD	Craig Hoover, BHI	Mark Sanders
Mike Lopez	Kim Lopez	Adriana Villar
Katrina Gallegos, SVRAA	Yasmeen Najmi, MRGCD	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Ashley Veihl led the Pledge of Allegiance at today's meeting.

Chair Russo Baca declared a quorum, and the meeting was publicly noticed.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

There were no changes made to the agenda.

Vice Chair Dunning the **MOTION TO APPROVE THE MEETING AGENDA**. Seconded by Madam Chair Russo Baca. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 3 - CONSIDERATION/APPROVAL OF 2024 OPEN MEETINGS ACT RESOLUTION BD-01-08-24-57 - Pamela Fanelli, Secretary-Treasurer/CFO

Ms. Fanelli explained the Open Meetings Act Resolution established rules and regulations for the meetings throughout the year.

Madam Chair Russo Baca the **MOTION TO APPROVE THE OPEN MEETINGS ACT RESOLUTION BD-01-08-24-57**. Seconded by Director Sandoval. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 4 - CONSENT AGENDA

- a. **Consideration/Approval of Payment Ratification - January 8, 2024**
- b. **Consideration/Approval of November 2024 Invoice for Wiggins, Williams & Wiggins**
- c. **Consideration/Approval of November 2024 Invoice for Law and Resource Planning Assoc.**
- d. **Consideration/Approval of the Minutes for the Regular Board Meeting - December 11, 2023**
- e. **Consideration/Approval of Per Diem, Mileage & Expense Reimbursement regarding New Mileage Rates as of January 1, 2024**
- f. **Memo on MRGCD Approved Licenses for December 2024 (For informational Purposes Only)**

Vice Chair Dunning commented on the approved licenses, stating she was pleased to see a neighborhood in the South Valley back to having lights along the acequias and continuing their tradition.

Director Sandoval made the **MOTION TO APPROVE THE CONSENT AGENDA**.
Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 5 - WATER OPERATIONS UPDATE -**a. Anne Marken, Water Ops Division Manager**

Anne Marken said conditions in most of the basins were below median. She displayed SNOTEL graphs that represented individual sites within each basin to estimate overall conditions for the basins they represent. The graphs showed the Rio Grande Headwaters in Colorado at 62% of median, the Upper Rio Grande in New Mexico, including the Rio Chama Basin, at 84% of median, Rio Grande Elephant Butte site, including Otowi Gauge south drainage and Jemez, at 131% of median, and Upper San Juan Basin, at 72% of median. Ms. Marken said she was optimistic the conditions could still change due to El Nino conditions that were expected to persist through April. She stated the National Weather Service's three month outlook forecasted equal chances for above or below average temperatures and above average precipitation going through March. She expressed that MRGCD committed to begin charging its irrigation network on February 26th, but no specifics to give on the charge plan yet because it is condition contingent. She stated the Compact official number would not be reported until later in the spring at the Rio Grande Compact Commission. Ms. Marken explained it was expected to grow the Compact debt in a year like 2023, because they had high spring runoff and low in-flows. She said that it would most likely preclude MRGCD from storing native Rio Grande water upstream in 2024 so they would only have San Juan Chama water available for storage.

Jason Casuga added they were looking at different scenarios for their startup plan. He said so much depended on the total release from Cochiti. He said they would share more on that at the next meeting. He explained the importance of the March forecast, stating it was what MRGCD and other federal agencies use to look at to see what the year would be like. He said what was up there did not look good, so people should take it even keel, because it was too early to tell right now, and a lot could change. Mr. Casuga added as long as they had spring runoff they would have a little bit of supplemental water from San Juan Chama but would depend on rain after that.

Director Sandoval asked what the projected numbers for P&P storage in Abiquiu were. Ms. Marken answered they should be storing soon. She said Army Corps of Engineers were

AGENDA ITEM NO. 7 - ITEMS FROM THE FLOOR (Comments are limited to six (6) minutes)

Katrina Gallegos

Ms. Gallegos, a commissioner with the South Valley Regional Acequia Association (SVRAA) introduced herself to the Board. She stated she was neighbors with Adriana Villar and said there was some concern within her neighborhood and within SVRAA on what was happening in the process with Ms. Villar. She asked the Board what she could say to her community to quell some of their anxiety of the situation. Ms. Gallegos also said there were rumors that Ms. Villar was trying to pressure a neighbor to sell his property so she could gain access to the acequia and water rights.

Jerry Montano

Mr. Montano asked why the crews in Bosque were not cutting trees around ditches. He FELT there were only going to grow bigger, and they should cut them all down. He also discussed Feeder 3, stating it was nice and clean now, but now they needed more water from the Highline. He also asked about the Mechenbier suit.

AGENDA ITEM NO. 8 - REPORT(S) FROM THE HUMAN RESOURCES DEPARTMENT - Christine L. Nardi, MBA

a. Introduction of MRGCD New Hires

Christine Nardi introduced the new MRGCD hires, including an ISO assigned to the Belen Service Area and a new field maintenance technician in the Albuquerque Division, with a vacancy rate of 8.7%.

General Office

AARON	FISH	IRRIGATION SYSTEMS OPERATOR	01/08/2024
-------	------	-----------------------------	------------

Albuquerque Division

GREGORIO	HERRERA	FIELD MAINTENANCE TECHNICIAN	01/08/2024
----------	---------	------------------------------	------------

AGENDA ITEM NO. 9 - REPORT(S) FROM THE CHIEF PROCUREMENT OFFICER - Richard DeLoia, CPO

a. Consideration/Approval for a Socorro Main Canal Culvert Crossing - Alicia Lopez, Engineering & Mapping Manager

Richard DeLoia presented approval of the Socorro Main Canal North Culvert Crossing Project with an award to Lopez Precision LLC for \$121,913.38 including NM gross receipts tax through MRGCD on-call contractors and farm infrastructure contracts.

b. Consideration/Approval on the Scope of Work for the Atrisco Acequia Madre Project Phase I Preliminary Design - Yasmeen Najmi, MRGCD Planner

Mr. DeLoia presented approval for the Atrisco Acequia Madre Project, 65% design phase task order, with an award to Bohannan Huston Inc. for \$104,978.50 with NM gross receipts tax through MRGCD on-call engineering contracts.

Mr. Casuga added \$75,104 of this would be covered by the capital outlay grant.

Vice Chair Dunning asked what they were going to do to ensure coordination between the county, city, and MRGCD to make sure somebody doesn't bring up an issue that had not been brought up before.

Yasmeen Najmi stated they had a four party agreement with the city, county, MRGCD, and the water authority for coordination and planning of the project and were continually updating the agreement. She said the Metropolitan Redevelopment Authority was not included in this phase or design, but they were unclear on future plans for the property. She explained the design money would be going for phase one, not including that property owned by the city.

Mr. Casuga added they believed the right use for that small triangular piece would be to go along with the project and he hoped everybody would see it was an easy win for the city, county MRGCD, and ABCWUA to come together.

c. Consideration/Approval of Hwy 147 Tunnel Boring & Open Cut Operation - Change Order 1 - Alicia Lopez, Engineering & Mapping Manager

Mr. DeLoia presented approval of the change order due to unforeseen construction issues with the New Mexico Highway 147 Project and requested approval for AUI Inc for Change Order 1 for \$813,775.34 with NM gross receipts tax awarded through MRGCD on-call contracts for construction.

Ms. Lopez explained some unexpected things happened and they ran into a pipe alignment that the old plans said was removed, so they were now shifting alignment, which meant they needed more dewatering and addition work on the trench boxes.

Mr. Casuga said they were up against the clock to place this before the river swells. He said they had to ensure they could get the Highline up and running but the collapse was a piece of infrastructure they could not ignore if they wanted to provide necessary drainage without spending significant amounts of money right now. He said they were relying on historical documentation and it showed it had removed but was not.

Vice Chair Dunning asked how they dealt with things not being correct on the plans, so it did not happen again. Ms. Lopez answered they were making built documents for projects done and solidifying what was done for their files, so from here forward that would not happen.

Director Jiron said he heard the completion date of February 26th had been changed, so he wanted to know when it would be completed. Ms. Lopez said the irrigation canal and Belen Highline would be done by the 26th and the drain and all construction within the drain might go until the end of March.

Madam Chair Russo Baca stated they discussed it in the finance committee meeting and said while it was a financial burden, the District could afford it.

Vice Chair Dunning made the **MOTION TO APPROVE AGENDA ITEMS 9(a) through 9(c)**. Seconded by Director Jiron. The **MOTION CARRIED UNANIMOUSLY**.

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

a. Presentation/Approval of the 2nd Quarter Financial Statements for FY2024 and Report from the Finance Committee Meeting, January 8, 2024 - Vice Chair Dunning and Chair Russo Baca

Ms. Fanelli submitted the fiscal year 2024 financial information for review and approval. She said the year to date revenue total was \$8,687,000 and total expenditures was \$13,433,000. She said the District had received approximately 26% to the total budgeted ad valorem and was trending at about 48% of salaries and benefits. She noted there was a projected salary deficit, but they were making operational changes to the account for it. She stated year to date revenues for the grant fund was \$490,000, expenditure total of \$1,848,000, and a total of \$1,168,000 of unbilled revenue to granting agencies. Ms. Fanelli said the District received their first disbursement of the ad valorem distribution for the capital investment fund and transferred in 2.3 million from the capital surplus cash account in the general fund to pay for the Highway 147 Project. She stated expenditures year to date in the capital investment fund were \$708,000, transfers to the grant fund \$123,000, and transfers to the grant fund for grant match at \$179,000.

Vice Chair Dunning complimented Ms. Fanelli and her staff. She said they had a robust program and things did not fall through the cracks if someone was out of the office or on vacation.

Chair Russo Baca made the **MOTION TO APPROVE THE PRESENTATION OF THE SECOND QUARTER FINANCIAL STATEMENTS**. Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

AGENDA ITEM NO. 11 - REPORT(S) FROM THE DEPARTMENT OF INTERIOR

a. Bureau of Reclamation - Jennifer Faler, Area Manager

Ms. Faler was not present at today's meeting.

b. Bureau of Indian Affairs - Dr. Sarah Delavan, Designated Engineer

Dr. Delavan stated many of the six pueblos had new governors or war chiefs and had new goals and needs. She said she and staff had and would continue working together closely with them. She stated the storage in Abiquiu Reservoir started for the prior and paramount water and there was 215 acre feet for the 2024 Irrigation season last week.

AGENDA ITEM NO. 12 - REPORT(S) FROM THE CHIEF OPERATING OFFICER - Eric Zamora, PE

a. Report from the Safety Program Manager, LeeAnn Corwin

LeeAnn Corwin, Safety Program Manager, gave an update on safety. She said to date they had 33 employees with their OSHA 10 construction certification and 22 supervisors and team leads with their OSHA 30 certifications. She stated there were zero cases and the total numbers of recordables went down from 22 in 2022 to 14 in 2023. She said they had a .96 EMR rating that would drop at the fiscal in July. Ms. Corwin expressed they had generated 11 standard operating procedures in 2023, including open burning, distracted driving, wasp removal, and turnout installations. She said they would continue with their weekly safety meetings and make an effort to start recording their own training videos and go out to ditches and provide training videos to show expectations. Ms. Corwin announced upcoming training, including OSHA training classes in January, DDC classes in February, and CPR and first aid training in March.





b. Division Office Updates - Eric Zamora, COO

Mr. Zamora first recognized Ms. Corwin's fortitude in leading and the changes she was trying to implement for the betterment of the District and it had paying off. He said she was a tremendous asset to the organization. Mr. Zamora then gave an update on January 2024 operations. He gave an update on the welding shop project in Albuquerque Division to give the workers a better place to work. He displayed pictures of the process of building the welding shop. He mentioned that if they would have ordered a structure instead of building one, it would have cost in the \$75,000 to \$100,000 range, but they built one for less than \$50,000. Mr. Zamora said they now build their own headwalls and concrete walls in house.

Mr. Zamora stated they held a training session in Socorro Division where they invited all four divisions for construction crews for a demonstration project for turnout install. He said they talked about preparation for an installation, the subgrade, and tools, equipment, and PPE they needed. He gave a shoutout to Mr. Avalos and his staff in Socorro, stating his welder was the one that built the first prototypes. He talked about an SOP that he and Mr. Casuga were reviewing for implementation as a result of their training session and could now install a turnout in a day. Mr. Zamora expressed he met with all division managers in their regular meeting that morning and they talked about tree removal and how they would address the issues with trees and maintenance in the upcoming year. He said they currently had two projects pending about \$50,000 worth of tree removal with a \$200,00 budget, so they needed to see what they could do in house.

Madam Chair Russo Baca suggested having a day to highlight all the great work their crews do, like a meet the workers or meet the machines day or something to recruit.

Vice Chair Dunning asked how much it costs to have the installs manufactured in house versus the \$5,000 to buy them. Mr. Zamora answered about \$200 apiece.

Director Sandoval asked what size turnouts each structure could take. He also asked what was the smallest and biggest. Mr. Zamora showed different signs of turnouts and stated they

penetrated the hole with the pipe from the turnout and grout around it and were good for any size.

AGENDA ITEM NO. 13 - REPORT(S) FROM THE CHIEF ENGINEER - Jason M. Casuga, PE

a. Consideration/Approval for the MOA between MRGCD and Socorro County for Schmittle Road Water Conservation Project - Casey Ish, Conservation Program Supervisor

Casey Ish presented a MOU between MRGCD and Socorro County for Schmittle Road Water Conservation Project for their consideration and approval for \$200,000 of funding that the county would make available to replace an inefficient and long earthen ditch with a pipe system that tied into around 150 acres to make it part of a federal and landowner cost share program in the future as part of the on-farm program.

Madam Chair Russo Baca said it seemed like a great project and would hopefully have conservation of water savings.

Madam Chair Russo Baca made the **MOTION TO APPROVE THE MOA BETWEEN MRGCD AND SOCORRO COUNTY**. Seconded by Vice Chair Dunning. The **MOTION CARRIED UNANIMOUSLY**.

b. Report on 2024 Legislative Session - John Thompson, MRGCD Lobbyist

John Thompson gave a report on the 2024 Legislative Session. He explained they only dealt with matters on the budget, including fiscal issues, taxes, things that either add or detract from the budget. He stated there was 3.5 billion dollars in extra money, but there was a long line to it. He said he believed they would see a large injection to the Water Trust Fund but may see some modifications to the Water Trust Board on what's allowable from a project perspective. He also believed they could see legislation create a federal matching fund of the state. Mr. Thompson said he had not heard of anything on water policy bills. He said there was a draft bill that floated around the investment pension and oversight committee that had water professional in it but there was strong opposition to that measure. He assured that if anyone had any questions, they could call him. He stated he would send out weekly updates via email on Sunday nights.

Dr. DuMars asked Mr. Thompson if he had heard any rumors about funding for a Middle Rio Grande adjudication suit. He answered he had not but could check on that.

c. Capital Project Construction Updates - Alicia Lopez, Mapping & Engineering Manager

Alicia Lopez gave a construction update on the Highway 147 culvert replacement. She stated it was an area that needed repairs for a long time, including removing the upstream collapsed pipe and attempting to slope and reinforce the embankments. She said they realized they did not have enough room to do that safely, so they contracted AUI to begin setting dewatering wells, installing trench boxes, and placing tunnel boring machines and explained all the work they had to do. She discussed the Socorro Main Canal Channel Lining Project, which consisted of shotcrete lining and improving the infrastructure within the first mile of the Socorro Main Canal. Ms. Lopez said CF Padilla began work on November 1st. She said the remaining funds would be allocated to phase two. She discussed the Storey Wasteway Project that would allow them to move water both to the drain and the river more reliably and was part of the

Conservation Program efforts. She stated Compass Engineering was awarded a contract to help with federal procurement with construction starting on January 22nd. Ms. Lopez discussed the Peralta Drain Pedestrian Bridge Project for the Whitfield Wildlife Conservation Area, and the project was completed on December 15th and was done using capital outlay funds. She noted there were three large projects in design right now, the Corrales Siphon, Feeder 3, and Bosque 1 Wasteway.

d. Report on the Colorado River Water Users Association (CRWUA) Annual Conference, December 13-15, 2024 - Jason M. Casuga, CE/CEO and Chair Russo Baca

Mr. Casuga discussed the CRWUA Annual Conference. He explained why it was important for them to attend the meeting, stating a small piece of water they use comes by a series of tunnels from Colorado into New Mexico so it was important to pay attention to. He said emotions ran high on the Colorado River and there was a lot of energy. He said he was able to make some great contacts and learn. Mr. Casuga said he learned there was a big shortfall that would affect San Juan Chama at some point in time. He said he came away from the conference realizing how important it was for New Mexico to get right with the Rio Grande Compact.

Dr. DuMars said the question was what they were going to do with Navajo and how would the sharing of shortages affect the Navajo Reservoir, which was an important issue for the San Juan Chama Project and everyone in the Farmington area.

Mr. Casuga reiterated that MRGCD mitigated the risk of the Colorado River and its issues on their San Juan Chama water by returning to the ability to store native as soon as possible.

Madam Chair Russo Baca said it was a very intense conference. She said it was interesting that ag always had a target on its back for water conservation but a lot of other states and big cities that did not have any agriculture still had to make cuts. She said they offset every drop of water by installing cooling systems. She said ag was looking at conservation efforts especially on tribal land and suggested they could maybe be their leaders on some conservation efforts and could collaborate with some of the Colorado River Water user tribes to see how they did it.

Mr. Casuga added he attended a seminar with a presentation from an Australian irrigation district about a mega drought they faced and the modernization that came out of it including mechanizing systems. He said it made him think of efforts they could do as a District like modernizing and investing in technology. He said there were many parallels to the irrigation district in Australia and what had seen in MRGCD.

Dr. DuMars mentioned the water manager for the Jicarilla Tribe who put together something called the Ten Tribes Partnership seven years ago and now grew to have a substantial quantity of water available for the Colorado River tribes. He said it was an interesting model that needed to be discussed in the future.

e. Report on the Valencia County Farmers/Irrigators Informational Meeting, December 19, 2023 - Jason M. Casuga, CE/CEO

Mr. Casuga gave a report on the Valencia County Farmers Meeting. He said it was not as well attended as he thought it would be, but still well attended. He said they talked about water delivery challenges and projects. He stated they had a question and answer session and there were more Compact questions in Valencia than in Socorro.

Director Jiron said he expected more farmers to be there. He said Socorro had a lot of good input and felt it went fairly well.

Vice Chair Dunning asked Director Jiron what they could do to get better attendance. Director Jiron said it could be the time of the meetings because some farmers had different jobs in the mornings.

Mr. Casuga said they would try to advertise the off season meetings much earlier. He said they were trying to invest in technology for mass texting and developed a newsletter with a way for people to sign up on the website to be emailed out. He said they were also open to shifting locations to make it easier for people to attend.

f. Information on Upcoming Events

- 1. Sandoval County Farmers & Irrigators Information Meeting, Town of Bernalillo Public Library - January 22, 2024**
- 2. Pueblo of Isleta Farmers & Irrigators Information Meeting, Isleta Reception Hall - January 30, 2024**
- 3. Bernalillo County Farmers & Irrigators Information Meeting, Open space Visitor Center - February 6, 2024**
- 4. Family Farm Alliance Annual Conference, Reno, NV - February 22-23, 2024**
- 5. Land and Water Summit, Albuquerque, NM - March 6-8, 2024**
- 6. National Water Resources Association (NWRA) 2024 Policy Conference, Washington DC - April 9-11, 2024**
- 7. Law of the Rio Grande Conference, Santa Fe, NM - April 11-12, 2024**

Dr. DuMars added the NWRA Conference was important to attend because it was an election year and people would be trying to fund anything they could.

AGENDA ITEM NO. 14 - REPORT(S) FROM THE MRGCD ATTORNEY(S) - Chief Water Counsel or General Counsel

Lorna Wiggins said there were two proceedings going with the Villar case. She said the criminal action against her was scheduled to begin February 8th and the civil action would be January 10th. She stated Ms. Villar had failed to participate in discovery and MRGCD had not received any information, so they were going to ask the court to rule on a motion to compel on the 10th.

Ms. Wiggins also gave an update on the Supreme Court's action in the Williams v. City of Albuquerque case, also referred to as the homeless case. She said the Supreme Court heard oral arguments on December 13th and entered an order directing the district court to identify with particularity that statutes or ordinances were enjoined either in whole or in part and directed the district court to set out the scope of the injunction that was entered with the idea that the city needed to be able to give law enforcement clear direction. She said she expected to have direction from the court within a month to six weeks.

Dr. DuMars stated he asked the Wild Earth Guardians legal counsel what the point of a PBU case was if they were going to adjudicate the Middle Rio Grande.

Madam Chair Russo Baca expressed that there were things happening with the State Engineer right now with adjudications.

AGENDA ITEM NO. 15 - REPORT(S) FROM THE BOARD

- a. **Report on the Irrigation Committee Meeting, December 18, 2023 - Directors Duggins, Sandoval and Jiron**

The chair stated the report was given and approved within the earlier special meeting and the other directors didn't have anything to add.

- b. **Report on the Conservation Advisory Meeting, December 21, 2023 - Chair Russo Baca**

Madam Chair Russo Baca said it was a very quiet meeting but there were great hydrology updates. She said construction was starting on on-farm programs and multiple projects were being considered for funding for the program. She also reminded that additional information was on the website for applying for the following program and to get those applications in before February 16th.

Vice Chair Dunning made the **MOTION TO APPROVE THE REPORTS FROM THE BOARD**. Seconded by Director Sandoval. The **MOTION CARRIED UNANIMOUSLY**.

With no further comments, questions, or concerns, Madam Chair Russo Baca adjourned the meeting at 5:12 pm.

Approved to be the correct Minutes of the Board of Directors of January 08, 2024.

ATTESTED:

Pamela Fanelli, CMA, CGFM
Secretary/Treasurer

Stephanie Russo Baca, Madam Chair
MRGCD Board of Directors