

**MINUTES OF THE
2,174th REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

APRIL 12, 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 3:03 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 P. Kelly, Director	Absent	Lorna Wiggins	General Counsel
Valerie Moore, Director	Present	Patti Williams	General Counsel
Michael T. Sandoval, Director	Present	Jason Casuga	Chief Operations Officer
Barbara Baca, Director	Absent	Pamela Fanelli	Secretary-Treasurer
Stephanie Russo Baca, Director	Present	David Gensler	Water Operations Div. Manager
		Mike Lopez	Water Distribution Div. Manager
		DeAnna Philips	GIS Tech/Board Liaison

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

John Thompson, MRGCD Lobbyist	Rebecca Thompson, MRGCD
Viola Sanchez, BIA	Michelle Olsen, OSE
Jenifer Faler, BOR	Judy McSweeney, MRGCD
Ernie Marquez, AES	Shawn Vandecar, MRGCD
Cecilia Rosacker, RGALT	Anders Lundahl, NMISC
Dan Lewis, HUB International	Francesca Shirley, MRGCD
Yasmeen Najmi, MRGCD	Neil Hurley
Casey Ish, MRGCD	Anne Marken, MRGCD
Daniel Arquero, MRGCD	Larissa Gordon
Estella Gamboa, MRGCD	Robert Ortega
Julia L. Maccini, BernCo Certified Candidate	Grace Hagarty
Simon (Scooter) Haynes, BernCo Certified Candidate	Joe Martinez, MRGCD
Danial Clouser, MRGCD	Thomas Padilla, MRGCD
Mike Apodaca, MRGCD	Alicia Lopez, MRGCD
Mathew Aragon	Matt Martinez, MRGCD
Jessie Patterson, MRGCD	Analise Porter
Andrew Ortega, MRGCD	Barbara Romero for Yvette Herrell
Matthew Munoz	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

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

Madam Chair Dunning declared a quorum with five directors present and Directors Kelly and Baca absent. She noted that the meeting was publicly noticed. MRGCD is following the New Mexico Governor's health and safety guidelines. The meeting was held telephonically (telephone and on Zoom), with some Board Members and some staff present at the MRGCD main office and some Board Members on telephone/Zoom, and other speakers and the public on the phone. Members of the public that called in were asked to identify themselves, identify

their phone numbers, as well as note if they intended to address the Board under "Items from the Floor."

On behalf of the Board, Madam Chair Dunning expressed their sympathies to Director Sandoval on the death of his mother and for the hard year for his family.

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

Mike Hamman requested to remove Item 9.b., from the proposed agenda.

Madam Chair Dunning requested to move Item 11.c., to 8.b.

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

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

AGENDA ITEM NO. 3 – CONSENT AGENDA

- a. Consideration/Approval of Payment Ratification - April 12, 2021
- b. Consideration/Approval of March 2021 Invoice for Wiggins Williams & Wiggins
- c. Consideration/Approval of March 2021 Invoice for Law & Resource Planning Associates, PC
- d. Consideration/Approval of Minutes for Regular Board Meeting - March 8, 2021
- e. Memo on MRGCD Approved Licenses for March 2021 (For Informational Purposes Only)

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

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

AGENDA ITEM NO. 4 – REPORT FROM THE RIO GRANDE AGRICULTURAL LAND TRUST - Cecilia Rosacker, Executive Director, and Mike Hamman, CE/CEO

Ms. Rosacker started her presentation with a background of the Rio Grande Agricultural Land Trust (RGALT) and their mission which is to protect land and water for people and wildlife in the Middle Rio Grande. She continued to explain the work that is being done by the Rio Grande Agricultural Land Trust, as well as future goals under each task commitment of the MRGCD MOA: (1) Conduct public outreach to promote agricultural land and water conservation to stakeholders in the MRGCD, including private landowners. (2) To recruit private landowners to

pursue Conservation Easements and water conservation projects on their properties. (3) Research, and make application to, prospective third-party funding sources to fund development of alternative public/private funding partnerships for meeting the MRGCD's and the grantee's conservation goals. (4) Coordinate with appropriate MRGCD staff and partners in efforts to protect and promote agricultural lands and water conservation in the MRGCD service area. (5) Coordinate with other private and public partners, on the collaborative development of conservation easements with the MRGCD service area. (6) Monitor and hold stewardship funds for all conservation easements held by the RGALT. (7) Work with Bernalillo County, Corrales Farmland Preservation, and other communities in the MRGCD service area to raise community awareness and facilitate protection of private lands necessary to sustain agriculture, wildlife, and ecosystem resiliency. She is hopeful that MRGCD will be able to help in the future with goals.



Mark Garcia CE

Ray Garcia CE

RAY GARCIA CONSERVATION EASEMENT

WHEN FARMLAND DISAPPEARS WE ALL LOSE.

- Less farmland means fewer migratory birds
- Loss of farmland means wildlife corridors will become fragmented.
- Losing our farmland means losing our rural way of life and our cultural heritage tied to the land.
- Farmland loss means our children, future generations, may not have access to land and the open space we all enjoy.
- Farmland loss means our local food system will disappear.
- Losing farmland impacts the entire community.

Conservation Easements (CEs) are voluntary, legally - binding deed restrictions that limits a landowner's right to develop their land and protects the conservation values of the land, forever.

ACCOMPLISHING CES REQUIRES MONEY

RGALT'S CE WORK DEPENDS ON CE FUNDING PROGRAMS
90% OF CES HAVE RECEIVED PROGRAM FUNDS

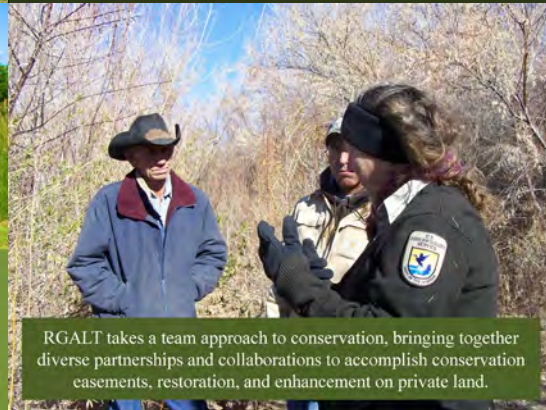
- USFWS- North American Wetlands Conservation Act Grant Funding (SIM Grant)
- NRCS- Agricultural Land Easement Program
- NM Natural Heritage Conservation Act
- New Mexico Tax Credit Program
- Bernalillo County Mill Levy

NRCS – AGRICULTURAL LAND EASEMENT PROGRAM

- Recruited 4 landowners
- Applied for \$1.1 M to protect 120 acres of irrigated farmland

AGRICULTURE IS WHAT IS HOLDING THE FLYWAY TOGETHER

- Flood Irrigated agricultural lands comprise 62% of the wetland habitat in the intermountain west.
- Flood Irrigated agriculture provides 80% of the habitat for key migratory bird species.
- These lands provide vital habitat for migratory birds, sustain floodplain function, and recharge aquifers, but are at risk of fragmentation from rural subdivision, competing water demands, and the ongoing impacts of climate change



AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR (Comments are held to six (6) minutes)

Robert Ortega

Mr. Ortega lives near the Alameda Drain (off of Carson Road). He met with Vice Chair Baca and Matt Martinez at the site. He voiced several concerns regarding the signage and the safety of the new fencing and gates that have been installed by MRGCD. He is the ex-Fire Chief and worked with MRGCD to install the fencing in prior years to ensure children not get near the ditches. He believes the transient people that are going in and out of the bosque, as well as the homeless camps are all safety issues for the people who live in the area. He has provided a letter to MRGCD, along with a petition by a majority of homeowners that live there (this is not including the condos or townhomes that are nearby). Mr. Ortega also noted that there is a glitch on MRGCD's web page, in that he cannot get into the area of "Alameda Drain Project" on the website itself.

2326 Carson Rd NW
2500 Spring Ave NW
2501 271 0523

April 12, 2021

MIDDLE RIO GRANDE CONSERVANCY DISTRICT
Board of Directors (Position No. 4 Karen Baca)
The proposed improvements to gates and fences in the Carson Rd portion of the Alameda Drain Project.

Mr. Baca

I am writing this letter in response to the proposed improvements to the gates and fences as outlined in the signs posted in front of the gates on Carson Rd. On behalf of neighbors who live in the area affected by these improvements, I would like to state that as a group we are in favor of repairing or replacing the gates/fences. They have been neglected for too long.

As to what the signs advertised and what is actually happening to where the conservancy will be taking steps for our group. We have in the past submitted a sign that is necessary and plan to eliminate the locking gates or create an open access to all. The most important step in having a successful project that affects a neighborhood is providing correct and full information so that the residents can form an opinion based on what is actually going to occur and how it will affect their everyday lives. The majority of the families were unaware and were not informed of the open access that is being implemented by MRGCD. As a family who has lived in our current location for over thirty years it seems to be a little backward in what the fence was even to prevent for this area, specifically the protection of our young children. As a former firefighter I cannot over emphasize the danger open ditches create for our children. As history will remind us that in the past there were multiple drownings in this area that is why the City of Albuquerque and the Middle Rio Grande Conservancy took the initiative to provide this life saving barrier so that no family would have to suffer the loss of a child to these ditches. As a former Fire Chief who collaborated with your organization in the 1970s AND DRENCH PROGRAM it was a priority to educate our children and eliminate risks around areas of concern. Why are we going backwards? Along with the danger to our children raised the problem of allowing fire access to the ditches, homeless, and ditches that block the Central area view with the fence or place some of them.

Individuals that access to the ditch banks and use them as a place to get high or sleep in their front. If they are allowed open access to this area the number of these individuals would most certainly increase affecting the safety of this community and their personal property. We all know these people would help but the ditch banks on Carson Rd are not for their use. The problems these individuals bring are many and are seen in the Bosque where they set up camp that create potential fire hazards.

I hope along with my neighbors that the board will see what a negative impact this attractive nuisance would have on the people living on the west side of the Alameda drain, on Carson Rd.

Your attention to this matter is greatly appreciated.

Respectfully,
Robert Ortega
Robert Ortega

Attached are the signatures of the Neighbors who support this letter.

- 2526 Carson Rd NW *[Signature]*
- 2534 Carson Rd NW *[Signature]*
- 2538 Carson Rd NW *[Signature]*
- 2518 Carson Rd NW *[Signature]*
- 2523 Carson Rd NW *[Signature]*
- 2527 Carson Rd NW *[Signature]*
- 2528 Carson Rd NW *[Signature]*
- 2528 Carson Rd NW *[Signature]*
- 2523 Carson Rd NW *[Signature]*
- 2501 Carson Rd NW *[Signature]*
- 2505 Carson Rd NW *[Signature]*
- 2731 Carson Rd NW
- 2733 Carson Rd NW
- 2730 Carson Rd NW
- 2530 Carson Rd NW *[Signature]*
- 2530 Carson Rd NW *[Signature]*
- 2530 Carson Rd NW *[Signature]*

- 2735 A Carson Rd NW *[Signature]*
- 2735 B Carson Rd NW *[Signature]*
- 2743 Carson Rd NW *[Signature]*
- 2536 Carson Rd NW *[Signature]*
- 2500 Zearing Rd NW *[Signature]*
- 2525 Carson Rd NW *[Signature]*
- 2602 Zearing Ave NW *[Signature]*
- 2520 Carson Rd NW *[Signature]*
- 2529 Carson Rd NW *[Signature]*

Jason Casuga added that he feels that MRGCD followed its usual process for notifying the area of changes, i.e., the fencing and gates. Madam Chair Dunning suggested that once we are post-COVID she believes there should be a meeting wherein all neighbors attend so that a compromise can be reached.

Matthew Munoz

Matthew Munoz lives on Carson Road. He wanted to thank the Board for opening up the first portion of the Alameda Drain. He understands the safety concerns but listed several other schools that are right next to ditches where there is no fencing. He believes the Board does a great job at educating the public. He looks forward to the next section being opened up.

AGENDA ITEM NO. 6 – REPORT(S) FROM THE DEPARTMENT OF INTERIOR**a. Bureau of Reclamation - Jennifer Faler, Area Manager**

Jennifer Faler reported that BOR is expecting all model runs at about an 85% allocation of San Juan-Chama water this year. She commended the District on its progress working with the National Fish and Wildlife Foundation on the water leasing pilot program. Good progress is being made on the Isleta settlement. She thinks part of the problem that led to needing a settlement on the Isleta Diversion Dams were relationships, and believes it is a phenomenal team that has formed.

She reported that the Rio Grande Compact Commission meeting was interesting this year. There is disagreement between the States. The United States, Colorado, Texas, and New Mexico are in litigation at the Supreme Court level. The differences that set the tone at the meeting revolve around the Interstate Stream Commission's depletions policy and how that applies to the Bureau of Reclamation. They are hoping to work something out with the state. She noted that BOR does a lot of projects on behalf of farmers in the Middle Valley out of the goodness of their hearts. The Bureau of Reclamation is a wholesaler of water. It provides water to our irrigation districts, and in our mission, it talks about being good stewards of the environment with an eye towards economic feasibility. BOR does take on environmental compliance for its districts at times, and they are puzzled by the State of New Mexico's policy that it would have to pay depletions on projects that they are doing on behalf of farmers in the Middle Valley (like a fish passage type project, for example).

BOR was seeking consent and approval from the Compact Commission on being able to store water in Abiquiu in lieu of El Vado during the Safety of Dams Project (the District has a 15% cost share). BOR is going through a bureaucratic process to work with the Corps of Engineers, the State, and the District on being able to store water somewhere other than El Vado during the construction project, because they will not be able to store very much water in El Vado while we're in construction in 2022/2023. The snag is with the State of New Mexico and whether or not the federal government needs a permit from the State to store water in Abiquiu.

Ms. Faler added that Congress passed legislation in the WRDA bill (the Water Resources Development Act), allowing for native storage, but that did not give the Corps the ability to do it that. BOR has had to fund the Corps of Engineers to do the analysis. They are going to have to deviate from their water control plan in order to store water, as they do not have anything in writing right now that allows them to store this water. BOR has funded them to go through an analysis and a NEPA process in order for them to apply for this temporary deviation, which will be good for up to five years.

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

Viola Sanchez reported that BIA's new contract amount will be about \$758,000, which is up \$35,000 from the previous contract because MRGCD's water service charge and ad valorem

taxes have gone up. What BIA pays is based on a proportionate share of that for the Pueblos. So, the new contract is set for this year and one option year.

The P&P storage has three computations: one based on the March 1 forecast, one on the April 1 forecast, and one on the May 1 forecast. The March 1 forecast was for 28,000-acre feet of P&P, but there were some snows. By the time we got to the April 1st forecast, it went down to 16,000-acre feet (increased a little bit thrown in for evaporation). It could possibly go up again in May but probably not by more than 2,000- or 3000-acre feet.

Now, BIA started storing beginning January 1st. In early April, especially when the NRCS forecast came out and drove down the Pueblos' required storage amount, BIA is passing inflows to Elephant Butte. BIA is passing over and above what the Rio Chama Acequia Association and the Conservancy District need for their direct diversion demand. Some of this water is making its way to Elephant Butte, which Ms. Sanchez hopes they can do it for the entire month of April; however, that is not looking too hopeful right now because of the snow-water equivalent up in the Rio Chama basin. We are tracking pretty close to 2020, and we are on the descending side of the snow up there. We peaked about 15 inches for snow-water equivalent (if you compressed all the snow and melted it into water), down 10 inches. Although it might be 10 feet of snow, it compacts down to a smaller amount of water. The other thing that is not looking good is that the runoff has started about two weeks earlier this year, even though the snowpack looks about the same as 2020 at this time last year.

Ms. Sanchez does not know that they will be able to continue passing everything through El Vado. They still have about 3,000-acre feet of P&P storage to capture, and it might go up in May. They will try and push it for as long as they can, but she does not know if they will last out the month. It looks like it is going to be a tight year, and we'll just have to sit tight and see how things pan out.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE 2021 ELECTION DIRECTOR - Ernie Marquez, Automated Election Services

a. Announcement of Certified Candidates

Mr. Marquez announced the following candidates (listed in order that will appear on the ballots):

1	Position No. 3 - Bernalillo County	9	Position No. 6- Socorro County
2	• Karen Dunning	10	• Steven Sichler
3	• Julia L. Maccini	11	• Glen Duggins
4		12	
5	Position No. 4 - Bernalillo County	13	Position No. 7 - Sandoval County
6	• Simon T. Haynes	14	• Michael T. Sandoval
7	• Joaquin Baca	15	• Orlando Lucero
8			

b. Update on 2021 Polling Locations

Mr. Marquez reported that, as many of us know, Congressional District 1 election will be held the week prior to the MRGCD's election. Lorna Wiggins reported that on March 19, 2021, Judge Denise Barela Shepherd in Bernalillo County District Court entered an Order that MRGCD was not required to alter the dates that it established in its Resolution for this election. The June 8th election may proceed as established. Mr. Marquez noted that MRGCD election will not be in the same locations as CD1 election.

Mr. Marquez reported that many polling locations have changed due to various reasons. He reported the following polling location changes:

Sandoval County

- El Zócalo Plaza

Bernalillo County

- Alameda Elementary School
- Holy Family Church

Socorro County

- Northern Socorro County Senior Center
- Midway Fire Department

Early voting begins May 24, 2021

Mr. Marquez reported that he is having some difficulty with vacancies for poll officials, as some have decided to drop from our election and go work for the County.

AGENDA ITEM NO. 8 – REPORT FROM THE SECRETARY/TREASURER - Pamela Fanelli, CMA, CGFM

a. Review FY20 Financial Statements released by the State Auditor's Office

Ms. Fanelli reported the financial statements are available either in book form at the MRGCD Office and also on the MRGCD website. The State Auditor's Office found the financial statements were presented fairly in all material aspects. There was one finding during the audit, which was an undercollateralized deposit. The larger check came in late in the afternoon and was deposited after the bank had collateralized their levels for the day. As a result, MRGCD was undercollateralized by \$40,000. To remedy that in the future, if MRGCD receives a large check later in the day, they will email the collateral department. The State Auditor's Office opinion was an unmodified audit, which is a good result.

The District reported a surplus for FY21 of \$551,022, which will be moved to the capital surplus account to be used for future capital purchases. During the process, it was discovered that FY19's surplus of \$1,362,515 needed to be moved to the capital surplus account.

Madam Chair Dunning asked if the Board would receive a presentation by Richie & Company (the auditor) as had been done in the past. Ms. Fanelli reported the board would not having a presentation and also that this was the last year for Richie & Company under the current contract. However, due to COVID, the State Auditor's Office is allowing MRGCD to put out the RFP, but Richie & Company can still respond and be approved for one more year.

Director Moore made the **MOTION TO MOVE THE 2019 SURPLUS OF \$1,362,515 AND THE 2020 SURPLUS OF \$551,022, FOR A TOTAL OF \$1,915,537, TO THE CAPITAL RESERVE ACCOUNT, TO BE USED FOR FUTURE CAPITAL PURCHASES.** Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

Director Sandoval	Yes	Chair Dunning	Yes
Director Russo Baca	Yes	Director Baca	Absent

Director Moore	Yes	Director Kelly	Absent
Vice-Chair Baca	Yes		

b. Review FY21 Third Quarter Financial Statements and Budget to Actual

Ms. Fanelli reported that overall, the District feels that MRGCD is on track to meet its budget ad valorem revenues, including interest and penalties, year to date total \$12,386,573. The ad valorem forecast based on current evaluation is expected to be higher in FY2021 than our budgeted amount by approximately \$500,000. This is good since we are experiencing a shortfall in water bank revenues due to our water shortage. Interest income is coming in lower than budgeted as well. For FY2021, we reduced the interest revenue budget, and interest is not coming in at even our lower budgeted amounts. We are earning approximately \$3,000 per month, which is close to 0% interest. We are going to make up that lost revenue on those two items with our ad valorem revenues, and MRGCD will be whole.

In operating and capital grant revenues, the District has not met our budgeted revenue for FY2021. Many of the NFWF projects and the DHSEM (Division of Homeland Security & Emergency Management) grants were postponed due to COVID; however, NFWF and DHSEM have has agreed to extend the deadlines.

The expenditures for the third quarter of FY2021 are \$15,426,483. We have had to move budgeted funds from capital outlay to insurance, utilities, division and maintenance and rehabilitation, vehicle and equipment maintenance, and some projects due to emergency water purchase, the Corrales Siphon Project, higher insurance costs, a settlement, and higher utilities due to the Socorro pump, as well as some unbudgeted equipment and repair costs.

Payroll and benefits are at 71% of our total budget for the third quarter. At the end of the year, any surplus that we have from operating will be moved back to our capital outlay program. So far, we feel that we will be within our budget, and there will not be any issues at all.

Director Moore made the **MOTION TO APPROVE THE THIRD QUARTER BUDGET TO ACTUAL REPORT**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

c. Report of the Finance Committee Meeting, April 8, 2021 - Directors Kelly and Moore

Director Moore reported that the Finance Committee met on the April 8th. Topics of the meeting included preliminary operating budget, proposed capital outlay projects for the future, and review of the proposed FY-2022 COLA increases.

Director Moore also wanted to note how impressed she was with Ms. Fanelli and the way she tracks vehicles and equipment longevity for MRGCD.

[For approval of the Finance Committee Report, please see Motion for Approval below, in Item 8.d., combined with Finance Committee Recommendations for FY22 COLA.]

d. Consideration/Approval of MRGCD Finance Committee Recommendation for FY22 COLA

Ms. Fanelli reported that for the COLA, they looked at several sources of information to identify an appropriate COLA for FY-2022. The annual Consumer Price Indexes for CPIU from March 20th to February 21st for all items was 1.23%. The annual CPIW (wages) for 2020 was 1.09%. Since the Albuquerque Bernalillo County Water Utility Authority closely aligns with MRGCD's mission, MRGCD looks at their increases every year. They are giving a 2% increase in total this year to their staff. After looking at all of that, we then recommended a staggered 1.23% COLA, which averages approximately \$600 per employee.



Memorandum

To: Board of Directors
From: Finance Committee
Date: April 8, 2021
Re: Recommendation for the FY2022 Cost of Living Allowance (COLA)

The Finance Committee met with the CE/CEO and staff to discuss the preliminary FY2022 MRGCD operating budget and proposed capital outlay program on April 8, 2021. As part of the budget review process, the annual need for including a COLA for the wage grade and salaried employees is discussed in terms of the short and long-term fiscal impacts and whether forecasted revenues are at a sufficient level to justify in moving forward with a proposed COLA increase in the current fiscal year. Staff provided several sources of information to identify an appropriate COLA for FY2022. The annual consumer price indices (CPI-U) from March 2020 to February 2021 for all items is 1.23% and the CPI-W for 2020 is 1.09%. The ABCWUA (the local government most closely aligned with MRGCD's mission) is planning to give a 2% increase (in total) this year. Staff then recommended a staggered 1.23% COLA averaging approximately \$600 per employee per year. The staggered COLA recommendation by Job Class is as follows:

Job Class	COLA
50 & 55	2.00%
60 & 65	1.60%
70 & 75	1.20%
80 & 85	1.00%
90 & 95	0.70%
above 95	0.00%

The Finance Committee discussed this in detail and accepted staff recommendations and, hereby, formally recommend to the full Board that the District move forward with the COLA totaling approximately \$137,000 and further recommending the associated distribution listed above. The Committee members were unanimous in moving this forward but stated that this recommendation is for FY22 only and that COLA evaluations and recommendations will vary during subsequent fiscal years. Merit increases will continue to be covered under the performance management program tying annual step increases to satisfactory or exceptional performance. A "needs improvement" category may not be eligible for a step increase, but an individualized improvement plan would be structured to move an under performer toward eligibility upon successful improvement. Staff estimates that the budget impact may be about 2%. The Committee members subsequently recommended budgeting 2% for potential merit increases. In addition, staff will use a vacancy savings rate of 6%.

The impact of this recommended COLA will have an approximate \$137,000 impact on our FY-2022 budget. We recommended it, and the Finance Committee formally recommended the 1.23% COLA. One thing to point out is that the COLAs are on a per year basis, and any COLA evaluations and recommendations vary during subsequent fiscal years.

In addition to that, merit increases were discussed in the Finance Committee meeting. The district has a performance measurement program, tying annual step increases to satisfactory or exceptional performance. It is our estimate that the 2% merit increase per year for FY22 should go into effect. The staff presented it, and the Finance Committee recommended budgeting about 2% for potential merit increases, which, again, depends on performance. We are going to

budget about 2% merit increase in our FY22 budget. In addition to that, we proposed that we maintain a vacancy rate of 6%.

Madam Chair noted that Vice Chair had left the room and was not present for the roll call vote.

Director Moore made the **MOTION TO APPROVE THE MRGCD FINANCE COMMITTEE RECOMMENDATION FOR FY22 COLA, THE PROPOSED MERIT INCREASE PLAN, AND THE FINANCE COMMITTEE REPORT**. Director Sandoval seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED**.

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

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

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

David Gensler reported that April 1 forecast was unfortunately not much better than March 1st. NRCS is now projecting 58% of average at Otowi. That's 370,000-acre feet of water, total, April through July, and 53% of average inflow to El Vado, or 109,000-acre feet. Jemez, which helps some Aprils, is really bad. It is showing a meager 19% and 5,900-acre feet.

There is now 22 inches of snow-water equivalent sitting at Cumbres Trestle today, which is three inches less than this time last week and six inches short of where we should be this time of year. That snow is starting to melt and move and, if nothing changes, will probably be gone at least two weeks earlier than normal this year.

It looks like we are heading into a pretty weak and short spring runoff. We have had bad runoffs before, some notably worse than this one. Looking at some numbers at Cumbres, out of the first two decades of the 21st century, 14 of those years have had lower snow numbers at Cumbres than this year, just to give you an idea of how rough the 21st century is being on the District.

But what separates this year from other years is no water in storage and no likelihood of changing that. New Mexico's reservoirs are empty in general and MRGCD pools in particular are zero. No changes to Rio Grande Compact status or storage restrictions have occurred since the last meeting. We still have an accrued debit of 96,800-acre feet and change. Article VII prevents us from storing water at El Vado, and Rio Grande Compact Article VI prevents us from using any storage in El Vado, if we did have any.

We were holding out some hope for a storage using past credit relinquishment. The District still has an allocation of about 56,000-acre feet of credit yet, which we thought might possibly be used this year. However, the Article VI issue complicates this, and the New Mexico State Engineer signaled plainly last week at the Compact Commission meeting that he is not going to allow us to use that credit this year. We had a follow-up meeting with Mr. D'Antonio, and he confirmed that was his case and that his directive to MRGCD is that we may not use the allocated storage credits this year. Although Mr. Gensler really hoped we would get some water out of this, he actually thinks Mr. D'Antonio's position is correct. With the already-large Compact deficit and this year's runoff forecast, storage of any water for use in the Middle Valley during

this summer would inevitably worsen our debt and bring about even more severe restrictions on water diversion and use in the future. It is a bad situation now, and we just can't let it get any worse.

We will have some water during the runoff. Once the runoff has passed, we'll be at the mercy of the Rio Grande. It may bring water, it may not. We will have almost no ability to control it. When it doesn't rain, the Rio Grande can slow to a trickle in the canyons north of here. It has many of the years past. We've augmented it with flow from reservoirs. That trickle must flow through many miles of hot sand and thirsty Bosque to arrive in the Middle Valley and points south. To the best of his knowledge, the Rio Grande in Albuquerque last dried in 1983. Depending on weather, we may see that happen again this year. It certainly is a distinct possibility.

There's one small exception to water supply. There is now I think about 17,000-acre feet currently stored in El Vado to meet any needs of the pueblos P&P lands that natural flow cannot meet. This was stored by Reclamation. Contrary to the provisions of the Rio Grande Compact, BIA will direct its release if needed, but since it was stored outside the Rio Grande Compact, it cannot be released to the District or in any way which can be shown to benefit anything except the Pueblo P&P lands.

Now, for a little good news. Startup seems to have gone well, although delayed by a month. All major canals in Cochiti, Albuquerque, Belen, and Socorro divisions are up and running, many of the smaller canals as well. Our crews did a very good job getting our facilities cleaned and charged quickly. Mr. Gensler is not aware of any major problems. Irrigation deliveries are occurring, although there's not much water to go around, and we're having to stretch things pretty thin.

We're currently diverting 115 CFS at Cochiti, 40 CFS at Angostura with returns from Cochiti, providing total flow of 100 CFS for the Albuquerque Division. Belen is diverting a bit over 300 CFS today with a small return flow about 30 CFS coming in on the west side to supplement that. Socorro is diverting 40 CFS at San Acacia and receiving a return flow from Belen of about 85, for a total of around 125 in the Socorro Main. Total water coming into the Valley below Cochiti today is about 1,150 CFS. It will be going up more in the next few days as more of that Rio Chama snowmelt comes down and is passed through El Vado and Abiquiu reservoirs. We're currently consuming about 500 cubic feet per second in the Middle Valley, leaving the rest to go downstream to Elephant Butte. That's a little more than we promised New Mexico Interstate Stream Commission and the Office of the State Engineer, but it's the best we can do right now and keep our canals functional and keep getting water to people. It's a pretty fine line to walk, but our water users need to understand that we cannot divert the entire flow this year, and we must deliver water to Elephant Butte to make up that deficit and that extra water that we were allowed to use last summer.

Mr. Gensler wished he had a better story to tell. He knows this is hard news. Our water users are very likely to face a difficult year this year. He expects there will be significant periods this summer where there is no irrigation water for a lot of people, unless it rains. He has been using the poker analogy more and more this spring. We've drawn a series of losing hands over the past several years. We've been playing them as best we can, but they're still losing hands. Now, we've drawn another lousy hand in 2021, and we're out of chips.

Director Moore expressed concerns that the deficiency curve and diversion caps were not brought up at the Irrigation Committee meetings, as she would have forcefully not agreed to it.

She understands about the late startup and the early turnoff, and the farmers are being very patient.

Mike Hamman responded that, first of all, it's really difficult for the situation where you don't have any storage to work with. There's also a lag in water supply in this time of year because the runoff isn't coming on strong. However, we are trying to start up the system, flush it out, and then just try to match what sort of degree of early demands there are out there with basically just what's flowing on the river. There's a window in late March to early April, that we've struggled with in a low water year scenario, or we've actually had to release water a little bit that we may have stored early in the season at El Vado just to fill that little gap of demand problems, right in that April timeframe. So, that is in play too. MRGCD committed to the State Engineer's Office and the ISC that before the ET really gets going crazy in the river, and the river just starts taking its big share, we were hoping we could sneak more water down to Elephant Butte during this early April timeframe. Mr. Gensler and Mr. Hamman decided on what they felt was a very logical step increase. It's a step approach to expanding our diversions where we thought 500 CFS (400 to start with, 500 diversion), and then the next step is 600. The river is starting to take more, but we are still trying to get at least a small block of water down to Elephant Butte here in April to offset that debit.

Director Moore noted that she understood everything that MRGCD is going through in this tough water year; however, she believes that the farmers should be taken into consideration more, when they are the ones sacrificing, and they are losing their crops (income). She is adamant that an emergency meeting should have been called with the Irrigation Committee to discuss this.

Director Russo Baca added that she wished a discussion would have been had with the Irrigation Committee prior to starting this, even if at least to pull together a town hall to keep farmers more informed on what is happening. She believes the ISOs and the field division managers are doing a great job, but maybe there is something the Board can do to keep farmers better informed.

David Gensler gave some history on a conversation held last fall with the State Engineer Office, wherein they suggested MRGCD shave some water from the demand curve. A demand curve is done every year, but it goes unnoticed when there is no issue with a low water year. Mr. Gensler reported that between the early shutdown in the fall and the late start-up this year, MRGCD should have delivered approximately 20,000-acre feet toward the debt.

Discussion ensued regarding what is going on in the south and why water cannot make it from the San Acacia down to Elephant Butte. The State Engineer and MRGCD are frustrated with this and are trying to figure out what to do.

Chuck DuMars added a different spin. He noted that MRGCD has always tried to avoid attention of the Rio Grande Compact Commission and the Interstate Stream Commission. He thinks this management tool of delivery caps, diversion caps, and the deficiency curve, is vital to use in order to make sure that MRGCD does not become regulated either by the Rio Grande Compact Commission and/or the Interstate Stream Commission. It is a horrible set of choices, but he doesn't think MRGCD has a choice but to keep doing what they're doing. MRGCD is lucky to have the people to balance the amounts of water every month during the season.

On a very sad note, at the end of this presentation, David Gensler announced his retirement. All Directors thanked Mr. Gensler for his 25 years of service to the District with all noting that they all knew that he did the best water management possible on behalf of the District and held

that the interests of the District and the farmers were always his priority and were in his heart. Mr. Gensler gave an emotional goodbye, speaking of how lucky he was for MRGCD to have let him do what he was passionate about. Madam Chair Dunning wanted to note specifically that she does not want anyone to think that Mr. Gensler left because it was a bad water year, that he sees a challenge and takes it head-on. It is with a profound sense of sadness that the District says good-bye to David Gensler, the face of the District, but also an excitement for whatever lies ahead for him.

b. Report on the 2021 NM State Legislature - John Thompson, MRGCD Lobbyist

John Thompson reported that the legislature ended on March 20th. The number of bills were down this legislative session by about half, give or take, and a direct correlation to that, we had a double pass rate. Normally he would say 10% of bills introduced passed. This year, it was about 20% to 22% this year, which makes some sense because the bottleneck was less congested. Super heavy on pandemic relief, super challenging for everybody involved, as you might imagine. It was very difficult.

There were a handful of water policy bills that were introduced, and from Mr. Thompson's research and observation, they did not pass. He noted that as this drought persists, so will big pieces of legislation to alter the way we do water management in this state.

Legislation pertaining to the Board's composition ultimately ran out of time. At the present, Mr. Thompson does not know what that landscape looks like. He has not had any contact with Senator Ivy Soto since the end of the session, but he plans to reach out to him soon and see what the current situation looks like in the Senate. Mr. Thompson will discuss that with Mr. Hamman and the Board once there is a clearer picture of what the landscape looks like.

We were successful in getting \$65,000 for the Atrisco Acequia project. We were not successful, again, in getting Loretta/Alameda Intersection funding for safer access to the boat ramp parking area. With the weather and hopefully improving Covid conditions, Mr. Thompson wants to get Senator Duhigg and Representative Ely on the ground there with some maps and pictures and ask for help. With their support, we should be able to get some other support.

Looking into the summer and fall, Mr. Thompson stated he is hopeful and cautiously optimistic we can have some kind of an interim process. There are still some people he needs to meet. We did see a couple of pieces of legislation from Senator Sanchez in Valencia County directly adverse to the District that, for all intents and purposes, failed to get any traction. However, Mr. Thompson believes he has formed a fairly good relationship with Senator Sanchez, or at least the foundations of one.

Mr. Thompson believes that we should have a Legislative Committee Meeting in the near future.

c. Approval/Consideration of the MRGCD COVID-19 Vaccination Policy - Mike Hamman, CE/CEO

Mike Hamman reported that in the beginning of the rollout for vaccinations, he and the Board thought it would be in the best interests of MRGCD employees and customers if MRGCD employees were vaccinated. He stated that after he received extensive feedback from many employees through Division Managers and others, the policy has been altered. The District is withdrawing the mandatory Covid-19 vaccination policy and implementing the voluntary MRGCD Covid-19 Vaccination Policy. If the State decides to make it mandatory for State employees to receive the vaccination, MRGCD will revisit the policy and adjust accordingly.

Madam Chair commended Mr. Hamman for listening to District employees saying that this is not a good year to have a high vacancy rate and thanked him for recognizing this.

Director Moore made the **MOTION TO APPROVE THE MRGCD COVID-19 VACCINATION POLICY**. Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY**.

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

d. Report on Irrigation Startup - Mike Lopez, Water Distribution Division Manager

Mike Lopez reported that the last 12 days have been very busy, but we are nearly done with the initial system charge and the scheduling of irrigation. The irrigation demand is high. Irrigators have been generally cooperative and sympathetic, but the sheer volume of calls given the delayed start-up has been challenging. Nearly all of our irrigators were ready and waiting for water as of April 1st. Our guys have worked hard to get things up and running while scheduling irrigation at the same time. We ask for some patience during this time, as it is difficult to schedule and charge the system at the same time, especially with the current irrigation demand. Staff has been starting early and ending late. This year's system charge has had a few hiccups, but overall has been efficient.

The ISO staff has been given a set of guidelines to follow so that we are delivering water on a consistent basis District-wide. We're basically hoping for the best but are preparing for the worst.

Regarding start-up, the Socorro Division is done charging the system. Cochiti is finishing today. Belen will finish this week. The South Valley is done. North Valley will be done this week. Bernalillo will be done Wednesday. We are nearly there.

Madam Chair Dunning noted that she had some calls from people saying that the ISO's voice mailboxes were full when trying to schedule irrigations. Mike Lopez responded that he has been fielding many of those calls. It is difficult because the guys are starting very early in the morning (as in 1 to 3 a.m.). They are in the active process of clearing canals and charging and trying to field calls at the same time. Mr. Lopez just asked for a little bit of patience until the charging is completed.

Jason Casuga added that he has the IT group looking into whether or not there are options on the phone to increase the amount of memory for voice messages. They may be able to increase the volume; however, based on the current volume, it may still not be enough. He is also investigating if Verizon can perhaps allow voice messages to be sent to an email; however, he has not heard back from them.

Mike Lopez ended by saying they understand people are ready, and they need water. That is why they are developing some more systematic methods of scheduling that should help with that, because it will be more of a known process on how we rotate through. They are excited to get that going.

e. Update on Water Leasing/Conservation Program Through National Fish and Wildlife Foundation Grant - Casey Ish, Water Resources Specialist

Casey Ish reported that full season leasing enrollment has closed as of a week ago (March 26th). We ended up with a total of 33 irrigators and 543 (updated to 579) acres. We did not reach that lofty target goal of 2,400 acres that we were looking for but still a great result from the pilot program. Partial Season Enrollment is still open till May 21st, with about 70 acres confirmed and another 60 acres pending final review from our mapping department.

f. Consideration/Approval of Contract #20-SD-40-858 Between the U.S. Department of Interior BOR and MRGCD for Safety of Dams Work on El Vado Dam - Mike Hamman, CE/CEO

Mike Hamman reported that MRGCD is signing up for some major debt, but it is also signing up for another 100 years of El Vado's full and manageable operations from year to year. This repayment contract with the United States is for \$20,460,000 amortized over 50 years. They have agreed to our initial request to limit that initial payment for the first 15 years to \$205,000 per year, which is very manageable under our current financial situation. In 2041, the payment rises to \$500,000. Payments will begin after completion of the project, which is scheduled for 2026. Bureau of Reclamation is going to fix the dam with what MRGCD believes is the most cost-effective, efficient, and long-lasting methods.

Mike Hamman and Jason Casuga noted appreciation of the way that Reclamation engaged with us as a sponsor, as one of their constituents, and allowed us to completely be involved in all of the dam safety work and analysis of all the alternatives. They were very open and appreciative of our comments, our knowledge, and our engagement from a water user perspective and a beneficiary of this project.

Vice Chair Baca made the **MOTION TO APPROVE THE CONTRACT #20-SD-40-858 BETWEEN THE U.S. DEPARTMENT OF INTERIOR BOR AND MRGCD FOR SAFETY OF DAMS WORK ON EL VADO DAM.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

g. Discussion and Authorization to Execute the Memorandum of Agreement Between US Bureau of Reclamation, State Historic Preservation Office, and MRGCD for Compliance Related to Title Transfer - Mike Hamman, CE/CEO

Mike Hamman reported that this item is regarding title transfer for phase one, which is the area that includes the levee, drain, and a construction space into the Bosque itself in the Mountain View area. From the outlet of the South Diversion Channel down to I-25, there will be a levee constructed there at some point in time. That would be the first phase of the Bernalillo to Belen levee system.

Then, on the other side of the Isleta boundary, the entire system of the District would be transferred back to MRGCD formally, which would include almost everything except a few inholdings of reserve works of lands and works that have not been formally transferred to the

District in the past. There are a few of those items that MRGCD will be working on in the future to approach the United States for transfer as well.

This is 95% or more of all the facilities that the United States holds, including the floodway, the Bosque, and the floodway, would all belong to MRGCD through this title transfer process.

One of the final items that needs to be done in order for the whole packet to go to the Commissioner for her approval is stepping in the shoes of the United States in terms of meeting SHPO (State Historic Preservation Office) rules and regulations. This particular Memorandum of Agreement is between Reclamation and SHPO, and we're concurring on it, that there will be a procedure put in place that will be followed through the guidance under Appendix C that defines everything that would be exempted under normal SHPO rules, but also a procedure in how we would need to consult with SHPO as an interim agreement and also a commitment that the District will engage with SHPO and develop a Memorandum of Understanding that would completely replace the federal government's requirements under National Historic Preservation and Protection of Historic Properties.

Vice Chair Baca made the **MOTION TO APPROVE THE CONTRACT #20-SD-40-858 BETWEEN THE U.S. DEPARTMENT OF INTERIOR BOR AND MRGCD FOR SAFETY OF DAMS WORK ON EL VADO DAM.** Director Moore seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

h. Update on the San Juan-Chama Contractors Association Foundation and Potential Projects - Mike Hamman, CE/CEO

This is another culmination of a lot of work by a number of folks, led primarily by Albuquerque Bernalillo County Water Utility Authority and MRGCD. Between the two of us, we have two-thirds of the San Juan-Chama contract water supply. We are leaders for a number of reasons, and we pay two-thirds of the bill.

Through this process, we have formed all the groups into this association, which consists of 16 different contractors. That does not include the four dignitary Pueblos for the Aamodt settlement case yet. When they come on board, we will have 20 different contractors.

We have formally signed an MOU. We will start to pay dues (approximately 50 cents per acre foot) this coming fiscal year. ABCWA has agreed to be the fiscal agent on behalf of the contractors, and we are moving forward with looking at doing some projects that may require some assessments. One of them would be to analyze independently an asset management program, similar to what we're doing here at the District. That way we have some notion from an independent source of what we should replace, what we shouldn't, what sort of process that we need to look at, etc. We are also inching toward the possibility of taking over O&M of the San Juan-Chama Project at some point down the road. The tribes are a little resistant to do that because they prefer to have the federal government still looking out for their tribal trust assets. Mr. Hamman thinks we can win them over given some trust building time.

We have nine or ten entities that have signed the MOU, and we are looking for the rest of them to sign up here in the next several days.

i. Report on the 2020 Rio Grande Compact Commission Meeting on April 8, 2021 - Mike Hamman, CE/CEO

Jennifer Faler covered this meeting (see Item 6.a. above). Mike Hamman added that the reason for the tone of the meeting that Jennifer Faler spoke of. It appears the Commissioners had to agree to disagree on the Engineer Advisors Report. This impacts MRGCD indirectly because if they cannot resolve these accounting numbers to everyone's satisfaction, then who's to say we could challenge our deliveries, etc.

j. Report on the Annual Water Management Workshop, March 9-11, 2021 - Alicia Lopez, Engineering and Mapping Manager

Alicia Lopez reported that this year she, Adrienne (Martinez), and Marie (Vandergeest) attended the virtual three-day workshop. There were many topics covered: equipment lab testing and expanding drone capabilities, etc.

One of the two main items the conference speakers went into detail was the Milk river drop check replacement. This was basically a large energy dissipation structure that failed mid irrigation season last year. The cause of the failure was found to be some undermining of the channel where water basically worked its way through an unstable soil layer. The variation in the soil layer was pretty rare and something you don't see all the time. It basically just showed that water is able to take advantage of weak points in any design.

Another topic was that the Bureau is building a GIS database of infrastructure similar to what MRGCD is currently working on. This collection of information on the state of infrastructure is meant to be helpful with overall planning and decision-making in regard to operated and maintained infrastructure.

k. Report on Six Middle Rio Grande Pueblo Coalition Meeting on April 9, 2021 - Mike Hamman, CE/CEO

This meeting was postponed to April 16, 2021. Mr. Hamman will report on it during the May Board Meeting.

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

Chuck DuMars reported that Vice Chair Baca contacted him regarding an Interior Board of Land Appeals issue with the Pueblo of Santa Clara and the Chacon family (north of Espanola). The case is very odd. The Pueblo of Santa Clara had a resurvey of their pueblo boundary. And when they did the resurvey, there were some accreted lands, which were being used by the private landowner (Chacon) within the Pueblo. The Pueblo erected a fence that kept Mr. Chacon from irrigating his property. The Pueblo took four acres of his land. While Dr. DuMars does not think the issue is relevant to MRGCD, he would like to take some time to investigate further and then report back to the Board. The Board, by consensus, agreed for him to do that.

Lorna Wiggins noted that in addition to the various foreclosure matters her office routinely handles on behalf of the District, they have five ongoing litigation matters where they are working with defense counsel who have been assigned to the defense of the District. She

wanted this noted in case there was a question when other counsel's names were noted on their invoice. Her other matters will be handled during Executive Session.

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

a. Report on the Conservation Advisory Meeting, March 18, 2021 - Director Moore

Director Moore reported that Casey Ish had done a very well-prepared written report on this meeting that occurred in March. She referred everyone to that report for details. She added that at that point, they had discussed Mr. Gensler's then-positive news on the monsoon season looking better than the past couple of years. They discussed the On-Farm Project that NFWF is looking into funding.

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

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

b. Report on the MRCOG Executive Meetings, March 19, 2021 - Director Baca

Due to Director Baca not being in attendance of today's meeting, this report will be given at the May Board Meeting.

c. Report on the Carson and Zearing Project, April 8, 2021 - Vice Chair Baca and Director Russo Baca

This topic was addressed during the Public Comment section, as Mr. Ortega made public comment and also brought in his letter with signed petitioners. Vice Chair Baca reported that he and Director Russo Baca met with Mr. Ortega and Matt Martinez at the site. Mr. Ortega discussed his concerns (see Robert Ortega under Public Comment for details). Vice Chair Baca felt that some of Mr. Ortega's concerns were valid and some were not. Vice Chair Baca noted that he had received some emails that were in favor of the fencing and gates. Madam Chair Dunning suggested that once we are post-COVID she believes there should be a meeting wherein all neighbors attend so that a compromise can be reached.

Director Russo Baca added that the outing was intended as a tour or walkaround by Director Russo Baca and Vice Chair Baca with Matt Martinez and Willie West. She felt the work done by the MRGCD crew was good work. She said she had gotten some suggestions of making signage better in Valencia County as well.

Director Moore made the **MOTION TO APPROVE THE REPORT ON THE CARSON AND ZEARING PROJECT, APRIL 8, 2021.** Vice Chair Baca seconded the motion. Rollcall vote was administered, and the **MOTION CARRIED UNANIMOUSLY.**

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

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

Madam Chair Dunning adjourned the meeting at 6:22 pm.

Madam Chair Dunning reconvened the meeting at 7:20 pm.

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

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

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

During Executive Session, updates were given on threatened or pending 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 7:22 p.m.

Approved to be the correct Minutes of the Board of Directors of April 12, 2020.

ATTESTED:

 Pamela Fanelli, CMA, CGFM
 Secretary/Treasurer

 Karen Dunning, Madam Chair
 MRGCD Board of Directors