

**MINUTES OF THE
THREE THOUSAND EIGHTEENTH REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
DECEMBER 11, 2017**

Directors having been duly notified, Chairman Kelly called the regular meeting to order at 3:08 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

John P. Kelly	Chair	
Glen Duggins	Vice-Chair	
Joaquín Baca	Director	
Karen Dunning	Director	
Derrick J. Lente	Director	Absent
Beverly Romero	Director	
Valerie Moore	Director	

STAFF:

Mike A. Hamman	Chief Engineer/CEO
Dr. DuMars	Chief Water Counsel
Lorna Wiggins	General Legal Counsel
David M. Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
Ray Gomez	Engineer Supervisor
Jason Casuga	Engineer I
David Gensler	Water Operations Manager
Adrienne Martinez	Engineer I
Joe Brem	Albuquerque Division Manager
Sloan Washburn	Belen Division Manager
Lorenzo Benavidez	Socorro Division Manager
Daniel Arquero	Cochiti Division Manager
Doug Strech	GIS Supervisor
Christine Nardi	HR Director
Anne Marken	Hydrology Technician I
Becky Burnham	Budget Analyst
Andrew Melendez	Property Specialist
Yasmeen Namji	Planner

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

Jeff Willis, AMAFCA	Robert Becker, YLAW
Gary Stansifer, OSE	Jerry Lovato, AMAFCA
Jennifer Faler, BOR	John Avila, Village of Corrales
Nolan Bennett, AMAFCA	Anthony Martinez, Village of Corrales
	Christy Tafoya, NM State Parks
	Bob Oberdorfer, Sites Southwest
	Nathan Roberts, Bohannon Huston

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Lorenzo Benavidez, Socorro Division Manager led the Pledge of Allegiance.

Chairman Kelly asked everyone to remain standing Director Duggins wanted to say a few words. Director Duggins wished everyone a Merry Christmas and Happy New Year; this is the time of year where everyone should be thoughtful of their neighbors and anyone who is alone the holiday season. Director Duggins shared that Ms. Betty Davis recently passed away and that the community of Lemitar has been hit hard with illness. Ms. Lilly Padilla and a very special friend and third generation farmer, Mr. Kenny Bustamante, has been battling illness. Director Duggins stated Mr. Bustamante is an honorable man, and he also shared admirable qualities of Mr. Bustamante, and asked that everyone keep Mr. Bustamante, Ms. Davis, Mrs. Padilla and their families in their thoughts and prayers this season.

Chairman Kelly welcomed the guests, declared a quorum and wished everyone a Merry Christmas.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Kelly called for approval of the Agenda.

Mr. Hamman requested to move item 10b to 10o.

Director Dunning: asked to move 10a and discuss with 8.I.Report on NWRA Conference.

Chairman Kelly asked if there any other changes, if not a motion is in order.

Director Dunning made the **MOTION TO APPROVE THE AGENDA AS AMENDED**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES

- a. Consideration/Approval of Payment Ratification for December 11, 2017

Director Dunning asked to correct check # 125871 Chairman Kelly did not attend the NWRA Conference only Directors Dunning and Duggins attended. Mr. Hamman stated that Chairman Kelly brought it to our attention and it has been corrected.

Director Dunning stated she was looking at the PNM and Socorro Electric Coop fees and asked if staff could research the cost of solar panel and do a financial analysis because those expenses are going up and there could be ways to lower expenses.

Director Moore made the **MOTION TO APPROVE THE PAYMENT RATIFICATION FOR NOVEMBER 13, 2017**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration/Approval of November 2017 Invoice for Wiggins, Williams and Wiggins.

Director Dunning made the **MOTION TO APPROVE NOVEMBER 2017 INVOICE FOR WIGGINS, WILLIAMS AND WIGGINS**. Director Moore seconded the motion. The **MOTION CARRIED** unanimously.

- c. Consideration/Approval of November 2017 Invoice for Law and Resource Planning Associates.

Chairman Kelly commented there are a few items showing on the November invoice regarding the PBU and requested for LRPA to set up a separate billing category item.

Director Moore made the **MOTION TO APPROVE NOVEMBER 2017 INVOICE FOR LAW AND RESOURCE PLANNING ASSOCIATES**. Director Baca seconded the motion. The **MOTION CARRIED** unanimously.

Chairman Kelly thanked both legal counsels for submitting their bills in timely manner.

AGENDA ITEM NO. 4 – APPROVAL OF THE MRGCD MEETING MINUTES

- a. Consideration / Approval of Minutes for Regular Board Meeting – November 13, 2017

Director Dunning inquired if the BOR snowpack report for November 6, 2017 was correct. Rio Chama was 70% of the median and 50% at Jemez Basin?

Mr. Hamman responded that one little storm early in the season can show relatively snow pack numbers even when there really isn't much snow and it isn't comparable to later season snowpack.

Director Moore made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING NOVEMBER 13, 2017**. Director Duggins seconded the motion. The **MOTION CARRIED**

AGENDA ITEM NO. 5 – ITEMS FROM THE FLOOR

THERE WERE NO COMMENTS FROM THE FLOOR

AGENDA ITEM NO. 6 – REPORT(S) FROM THE U.S. DEPARTMENT OF THE INTERIOR

- a. Reports from U.S. Department of Interior – Jennifer Faler, Area Manager (Not Present)

Following is the BoR Water Report 12-11-17

1. Heron Summary

Content = 147,167 ac-ft (12/7)
 Azotea tunnel: 0cfs
 Total SJC inflow year-to-date: 162,232 ac-ft
 Currently releasing: 0 cfs
 Current MRGCD storage: 24,176 ac-ft

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of (12/7):
 84,474 ac-ft.
- B. Native in El Vado
 48,790 ac-ft.
- C. MRGCD's SJ-C storage in El Vado
 29,752 ac-ft.
- D. P & P: 0 ac-ft
- E. EDWA: 0 ac-ft
- F. All other SJ-C contractors: 5,932 ac-ft
- Current release is 600 cfs RG Inflow is 50-100 cfs

3. Storage in Abiquiu

Content = 126,651 ac-ft (12/7)
 MRGCD's SJ-C storage= 0 ac-ft

Total supplemental water released in 2017: 13,413 ac-ft

Snowpack Data:

As of 12/8/17 (% of median)	
Rio Chama	24%
Upper Rio Grande Basin	36%
Sangre de Cristo basin	18%
Jemez Basin	0%
San Juan River Basin	32%

- b. Reports from U.S. Bureau of Indian Affairs (BIA), Viola Sanchez, Designated Engineer.

Not Present

AGENDA ITEM NO. 7 – PRESENTATION BY THE RIO GRANDE TRAIL COMMISSION – Ms. Christy Tafoya, Director of NM State Parks and Mr. Bob Oberdorfer

Ms. Tafoya introduced herself and Mr. Oberdorfer who is representing their contractor Alta Planning and is specifically from Site Southwest, working on the Rio Grande Trail Master Plan. They are here to present information about the Rio Grande Trail, and Mr. Oberdorfer will talk specifically about the segments that potentially impact the MRGCD.

She provided a brief history about the Rio Grande Trail that is a whole concept of linking trail systems from the Colorado border down to Texas. That early planning process consisted of some trail planning documentation and trail alignment documentation from Belen down to Sunland Park. This started some of the initial outreach to discuss the potentials for the trail. About three years ago a Bill was passed by now Senator Jeff Steinborn to create a Commission. A year later the Rio Grande Trail Commission that consists of nine members was established. The Commission has been meeting to discuss the Rio Grande Trail all across the state. There has been a lot of input and interaction with a variety of different communities, from Las Cruces up to Taos.

They have met with a lot of stakeholders, and the presentation today is to update the Board. There are a lot of communities that are very excited about this concept.

She advised the Board that participation in the Rio Grande trail designation is voluntary, and that it is important to let the communities, private property owners, pueblos and tribes know that it is voluntary participation.

In the last two years they have had some designation. There are now 26 miles of trails that have been designated, six (6) of our state parks on the southern part of the Rio Grande. The City of Las Cruces passed a resolution for some segments to be designated by the commission.

Recently the Commission voted and they now have a process in place to designate trail alignments fairly and quickly. The Rio Grande Trail is very important and protects and preserves natural and cultural resources.

Their contractor is working with the Commission to complete a Master Plan. They have set up a virtual open house where you can access through the website, and about 900 respondents through virtual open house provided feedback.

Ms. Tafoya expressed that this has been in the works since 2006 and they have fresh energy. She also stated she has been in conversation with Mr. Hamman and MRGCD Staff thinking about ways to provide information for the Board and consider participating, and what it would mean.

Director Moore remarked that access of MRGCD property will be required for these Trails, and who would have the liability. Ms. Tafoya responded as State Parks for the trail designations that are within their parks, they assume the liability and the maintenance. Ms. Tafoya also stated they are hoping with this endeavor to get a non-profit that is established that will help with the oversight and that there would be grants to help with the maintenance. However, until then it will be the individual property owners that will assume that maintenance and liability.

Director Dunning asked if there will be camping spots along the way, and how is this being envisioned. Ms. Tafoya responded that there is a two part response. The Appalachian Trail, the Pacific Crest Trail are contiguous trails, and she would love to strive for that, but there are entities that have concerns that are not going to be able to be addressed right now. The long term vision is to pull people along and show them how wonderful this is and how great it can be for communities, and at this point it is dis-contiguous. The second piece of the question is that they are trying to address those ideas within the virtual open house. They are asking folks what kind of amenities are they interested in along the Rio Grande Trails, i.e. camp sites, stores, and how would they like to interface with the communities. There are different

types of users: cyclists, hikers, equestrians and the thought is to designate different types of trails for the different users.

Mr. Oberdorfer stated that one of the roles that Site Southwest has been participating in is evaluating previous studies. There were two studies in 2006 and 2008. The 2006 study was from Bernalillo down to Belen which covered a big chunk of MRGCD jurisdiction and the 2008 study came up with recommended alignments from Belen to the border of Texas. They took those two approaches and methodologies and melded them together to create a matrix system that gives them evaluation criteria of six categories that would rank each of the routes. Mr. Oberdorfer stated that there has been a change with MRGCD policy from 2006 to present. In talking with Mr. Hamman he indicated that at this point 80% of MRGCD's constituency doesn't irrigate, and the benefit that MRGCD can provide is recreation.

Right now they do not have any specific recommendations; once those alignments are identified they will come back to Mr. Hamman and the Board and present and get approvals. They will also find out who the other underlying landowners are and get with them and also get Board approval on that.

Chairman Kelly commented that while the perceived only benefit for urban rate payers get from the District is the ability to recreate on our facilities. The District does provide an extremely critical function of drainage, and we also provide a very important river and flood control function for the benefit of the valley. The District coordinates with the local flood control authorities to help them find routes to take water out to the river. Therefore the perception if you live in Albuquerque and you don't irrigate the only benefit you get from the District is recreation is not true.

Chairman Kelly advised Mr. Oberdorfer that Mr. Hamman can provide the rules regarding fee right-of-way vs. prescriptive easements. Chairman Kelly commented while running for the Board and campaigning there is a lot of resistance to any improvements to ditches and status quo with some access control is what some people seek.

There was additional discussion regarding a Bill passed about eight years ago that gave the MRGCD some immunity from recreational use. Dr. DuMars stated that a bill was introduced and passed that provided immunity in those circumstances. He added if this really gains momentum and if the trails become substantial enough and the District participated and could find the ability to do it, we could get a comparable bill in the legislature to protect the easement along that trail, protect the District from any responsibility, and shift that to the State to the degree they want to have the access.

Chairman Kelly asked questions on behalf of Director Lente are there any pueblos on your commission. There are six Pueblos within the MRGCD and our relationship is paramount.

Ms. Tafoya responded that the Bureau of Indian Affairs Secretary has been on the Commission since the beginning, and they have had statewide collaboration from the beginning. There have been several outreach efforts with different pueblos. She has been a three intertribal resource meeting to discuss the Rio Grande Trail and to listen to their concerns.

Mr. Hamman advised the Board that he is a member of the Alignment Committee and has been working very closely with that group to determine exactly what options are being recommended. His role is helping the alignment committee figure out what are some of the best options in utilizing MRGCD facilities. He thanked Ms. Tafoya and Mr. Oberdorfer for coming and providing an overview of what is going on with this ongoing process.

Chairman Kelly thanked Ms. Tafoya and stated that Mr. Hamman and Yasmeen Najmi will continue to work with her.

AGENDA ITEM NO. 8 – REPORT(S) FROM THE CHIEF ENGINEER - (Mike Hamman, MRGCD CE/CEO)

a. Village of Corrales Fire Protection Project – Ray Gomez, Engineer Supervisor

Mr. Gomez reported that the Village of Corrales is requesting assistance of MRGCD in the efforts to expand fire protection service within the Village limits. Presently only a few fire hydrants are located within the Village limits and fire trucks mostly have to carry water for fire suppression. The Village is actively planning and has constructed a portion of a new fire protection line and fire hydrants which are being served from the "Loma Larga Fire Pump House". Therefore they are requesting a long term 50-year license to allow encroachment of a new pump house. The license would allow for the encroachment of a 30' x 585' long portion of the canal right-of-way.

MRGCD staff has discussed the land sale of the encroachment or exchange of property. The Village prefers an exchange of property at some mutually agreed location once title transfer occurs.

Mr. Hamman added that the Village, through Chief Martinez and Mr. Avila has been extremely cooperative with the MRGCD in other initiatives, working on Romero Road with Sandoval County Flood Control Authority, SCAAFCA and improving that corridor. It also helps with fire access into the Bosque for the Chief and his crews. They have continually improved relationships on a number of projects related to Bosque work and the Corrales Siphon and number of other projects. Mr. Hamman is pleased with the collaborative efforts that are going with the Village of Corrales.

This special license will also allow the Village to obtain a grant to build a new fire station with three truck bays, and the property status can be changed once title transfer occurs.

Director Moore commented on how closely the MRGCD works with other entities and it is very important.

Chairman thanked Director Moore and called for a motion.

Director Moore made the **MOTION TO APPROVE THE LICENSE(S) TO VILLAGE OF CORRALES AS RECOMMENDED.** Director Dunning seconded the motion. The **MOTION CARRIED.**

b. Recognition of Mr. Ray Gomez's 25 Years of Dedicated Service to the MRGCD – Mike Hamman, CE/CEO

Mr. Hamman stated it is a bittersweet situation for him personally, and the presentation that Mr. Ray Gomez just did is his last hurrah in front of the Board of Directors. Mr. Ray Gomez announced his retirement a couple of months ago, and apparently the PERA paperwork has been approved and processed. Mr. Hamman expressed it has been a pleasure to work with Mr. Gomez in many different arenas, both with the Bureau of Reclamation on a number of projects and here with the MRGCD. Mr. Gomez has always approached his work as a gentleman, and as a professional engineer, with an eye towards making a project work for all parties. Mr. Hamman commended Mr. Gomez for a long and very large contribution to the MRGCD in his capacity as the Assistant Engineer, and more recently as the head of the Engineering Division. His imprint on the District will last a long, long time, not only for the work that he's done but also the people he has trained and brought into the organization.

Chairman Kelly presented Mr. Gomez with a plaque recognizing him for the work that he has done and very much appreciated. Board Members and MRGCD staff all provided a standing ovation and thanked Mr. Gomez for his devoted service, professionalism and wished him the best of luck for a wonderful retirement.

Mr. Gomez thanked everyone for all the kind words and wishes. He stated that his first child was born when he was an employee at the District and now that child is an adult, and his son is going to be graduating high school this year. He expressed it has been a tremendous honor and privileged to have worked at the MRGCD that long and support his family.

c. Consideration/Approval Procurement of Equipment, Jeanette Bustamante, Administrative Officer

1. Wheeled Excavator – Bid Abstract Albuquerque Division

Ms. Bustamante presented the following Equipment abstracts for Board consideration for approval.

8c1



Memorandum

To: MRGCD Chairman Kelly and Directors
 Mike A. Hamman, CEO/CE
 David Fergeson, Secretary-Treasurer
 Jeanette Bustamante, Administrative Officer

From: Richard DeLoia, Purchasing Agent *RD*

Date: December 5, 2017

Re: ABSTRACT FOR WHEELED EXCAVATOR FY2018

Bid for a Wheeled Excavator was advertised on November 23 and 25, 2017, Six (6) bid packets were issued to Excavator dealers and (4) bids were received as follows:

VENDOR	EXCAVATOR MAKE/MODEL	AMOUNT	WARRANTY 3 YEARS	GRAPPLE BUCKET	GRAND TOTAL	COMMENTS
Golden Equipment	2018 Volvo EW180E	\$209,005.00	\$12,200.00	\$11,515.00	\$232,720.00	Meets & Exceeds all mandatory bid specifications
4 Rivers Equipment	2018 Hitachi ZX230W-5	\$218,746.00	\$7,247.00	\$15,500.00	\$241,493.00	Does not meet HP specification
Wagner Equipment	2018 Caterpillar M320F	\$259,944.00	\$6,110.00	NO BID	\$266,054.00	Does not meet bucket breakout force specification
Bobcat of Albuquerque	2018 Doosan DX190W-5US20	\$167,796.77	\$2,139.00	NO BID	\$169,935.77	Does not meet the minimum operation weight specification, minimum digging depth specification or breakout force specification.

After thorough review, staff recommends award to the lowest responsible bidder Golden Equipment for a 2018 Volvo EW180E Excavator, complete with 3 year warranty and Grapple Bucket. Please note that Golden Equipment also provided pricing for an additional preventive maintenance product with their bid as follows: Reversible Cooling Fan @ \$1,953.00. The requesting Department and Equipment Repair & Transportation Manager are requesting Board consideration to include this additional option with this award. The cost for the recommended unit including the additional option will be \$234,673.00.

Albuquerque Division Budget - \$265,000.00

Director Moore made the **MOTION TO APPROVE AWARD OF WHEELED EXCAVATOR TO VOLVO EQUIPMENT AS RECOMMENDED.** Director Duggins seconded the motion. The **MOTION CARRIED.**

2. Two Each Welders Truck C&C – NM State Price Agreement, Cochiti & Socorro Division



8c2

Memorandum

**To: MRGCD Chairman Kelly and Directors
Mike A. Hamman, CEO/CE
David M. Fergeson, Secretary-Treasurer**

From: Jeanette Bustamante, Administrative Officer/CPO JB

Date: November 22, 2017

Re: REQUESTING BOARD APPROVAL FOR TWO EACH WELDER TRUCKS

Cochiti and Socorro Divisions each were appropriated budget for a one (1) Ton Cab & Chassis, 4x4 Truck. These trucks will be purchased through a NM State Purchasing Price Agreement # 70-000-16-00002.

VENDOR	SILVERADO 3500 1-TON C&C, 4X4 TRUCK	QUANTITY	UNIT PRICE	GRAND TOTAL
Brad Francis	Year: 2018 Make: Chevrolet Model: Silverado 3500	2 Each	\$31,608.00	\$63,216.00

Staff Recommends award for 2 each 1 Ton C&C, 4x4 Trucks to Brad Francis, for a grand total of \$63,216.00

SPA 70-000-16-00002 TERM 11-7-17 TO 11-6-18 Truck 1 Ton Cab & Chassis, Long Wheel Base, 4x4 Brad Francis – Silverado 3500, Chevrolet/133 – 6.0/360./380	
UNIT COST	DESCRIPTION
\$28,153.00	Base Cost
\$(150.00)	Bed (Delete)
\$295.00	Bluetooth/Hands Free
\$450.00	Dual Rear Wheel
\$710.00	Mirrors: Tow, Trailer, Power
Included	Tires 265 Mud & Snow, 4x4
\$250.00	Trailer Brake
\$1,900.00	Warranty 5 years Bumper to Bumper, 75,000 miles
\$31,608.00	TOTAL COST

Director Dunning made the **MOTION TO APPROVE AWARD OF TWO EACH WELDER TRUCKS, C&C AS RECOMMENDED.** Director Moore seconded the motion. The **MOTION CARRIED.**

d. Consideration/Approval of MRGCD Lobbyist Agreement, Final Year – Mike Hamman, CE/CEO

Mr. Hamman presented the Final Year Lobbyist Agreement for John Thompson Consulting. Mr. Hamman recommended amending and increasing the 4th and Final Year Agreement by \$5,000.00. He stated that the amount of work and extra meetings that Mr. Thompson has been requested to attend is above and beyond what was outlined in the agreement. There has been a ramp-up of a lot of interim committee meetings that has involved a lot of MRGCD related matters. There was no escalation provision in the four year agreement, but in consideration of the additional duties he has performed on the District's behalf, and the use of his expert connections and analysis on the legislative process to help guide the District through difficult issues and legislation Mr. Hamman strongly recommends the increase for his last year contract.

Director Dunning expressed Mr. Thompson is doing a great job, and asked if he could do more work. She indicated that there is a Bill in Congress that may require some lobbying with the congressional delegation, and questioned if this is something Mr. Thompson has done in the past, and would he feel comfortable doing.

Mr. Thompson responded he is absolutely open to doing that and happy to do it. Perhaps when the new RFP comes out, that would be added in the scope of services, and expressed he is happy to have that conversation.

Chairman Kelly called for a motion.

Director Romero made the **MOTION TO APPROVE THE FINAL YEAR LOBBYIST AGREEMENT WITH AMENDMENT TO INCREASE THE FEE BY \$5,000.** Director Moore seconded the motion. The **MOTION CARRIED.**

e. Consideration/Approval of Socorro Main Canal Booster Station – Jason Casuga, Engineer I

Mr. Casuga advised the Board that Bohannon Huston Inc. (BHI) opened proposals for the Socorro Main Canal Booster Station on November 30, 2017, and only one proposal was received from Alpha Southwest Inc. The Request for Proposal required a “Mandatory” Pre-Proposal meeting, and it was attended by 8 companies. BHI fully reviewed the proposal provided by Alpha Southwest, Inc. to verify conditions of the RFP and that the contractor has the technical qualifications required. Based on their review BHI has recommended award of the contract to Alpha Southwest Inc. in the amount of \$647,086.37 not including NM gross receipt tax. Please note that the cost of the Performance Bond was not included and will be added. The cost will be spread over two fiscal years, FY18 and FY19. The proposed cost is approximately 10% percent higher due to the change in the price of the pumps from the time it was originally being discussed in June during the planning stages of the project until now.

Chairman Kelly asked when will the project be completed and start pumping water. Mr. Casuga responded that the grant stipulates it to be done by the end of September, 2018. However, the grant does allow for a one-time six month, no cost extension.

Director Romero made the **MOTION TO APPROVE AWARD SOCORRO MAIN CANAL BOOSTER STATION TO ALPHA SOUTHWEST AS RECOMMENDED.** Director Moore seconded the motion. The **MOTION CARRIED.**

f. Approval for Infrastructure and Vulnerability Study Agreement for WEST Consultants Inc. – Anne Marken, Hydrology

Ms. Anne Marken provided a brief history of the Infrastructure and Vulnerability Assessment Project and RFP process, which the Board approved and awarded on November 13, 2017, to WEST Consultants. Ms. Marken presented the Board with a “Draft” Agreement for their review and approval. Discussion continued regarding the contingency plan and the \$429,000 budget with the Bureau reimbursing the District for half of all the expenditures associated with project up to \$200,000.

Chairman Kelly commented that at some point he would like the team to look through the S.S. Papadopoulos study for a little bit of background on some of the same issues.

Director Dunning made the **MOTION TO APPROVE INFRASTRUCTURE AND VULNERABILITY STUDY AGREEMENT FOR WEST CONSULTANTS AS PRESENTED.** Director Moore seconded the motion. The **MOTION CARRIED.**

g. Water Report – David Gensler, Water Operations Manager

Mr. Gensler affirmed that water season is over and will now move on to the Rio Grande Compact. New Mexico is lagging far behind on its 2017 deliveries, as we go into the fall. That was not due to any participant action, inaction or fault. Rather, it was the natural outcome of the Rio Grande Compact sliding scale of required deliveries.

Riparian vegetation continues to consume water, which should be going to the Butte. Urban uses have continued, causing a steady seepage loss from the river and the sun continues to shine, and water continues to evaporate. When we get into these situations, we tend to get further and further behind as the year goes by. We found ourselves last September with Rio Grande Compact accrued debit of 66,000 acre-feet and growing. Fortunately we did get rains late September and early October and we took advantage of that, and started moving some water from El Vado down to the Butte to help correct that situation. By the end of October the accrued debt had declined to 41,000 acre-feet. Continued moving water through the middle of November, at which time the Prior and Paramount reserve from El Vado also began to move. By the end of November the debt stood at 28,000. The Albuquerque Bernalillo County Water Utility Authority (ABCWUA) offsets for 2016 and 2017 are still being moved, and the District has resumed releasing Rio Grande water. The debt continues to shrink by approx. 1,000 acre-feet per day and is on track for a zero balance by December 31, 2017.

Releases from El Vado will shut off by December 20, 2017, along with all the other movement of water.

The end result at El Vado is that we are going to be sitting on roughly 40,000 ac. ft. of Rio Grande water over the winter. That will be the carryover storage and what is available to start the 2018 water season. Add roughly 54,000 ac. ft. of San Juan Chama water currently in storage, and we are looking to start 2018 with over 90,000 in storage.

We are currently out of Article VII restriction right now. Elephant Butte and Caballo combined rose above 400,000 ac. ft. useable project storage. WE could be storing water right now, and we are hoping for some snow in December and January, because right now things look pretty dry in the mountains.

Mr. Hamman commented, in regards to payment of water to the ABCWUA, we would have liked to pay 10,000 ac. ft. back, but right now Mr. Gensler is recommending paying back 5,000 ac. ft. of water to ABCWUA. If the snowpack numbers change and go up, and there is time to react and get water moving on the Chama maybe in January or early February we can pay the additional 5,000 ac. ft..

Chairman Kelly asked if Abiquiu has a 5,000 acre foot operational pool. Mr. Gensler stated it is 2,000, and right now there is not water in that pool. Mr. Gensler indicated that Mr. Hamman discussed with him on ways to assist Reclamation on Chama flows over the winter, and one way would be to move some water down to that pool.

Chairman Kelly asked for a motion.

Director Dunning made the **MOTION TO APPROVE THE PAY BACK OF 5,000 AC. FT. OF WATER TO ABCWUA AS RECOMMENDED.** Director Duggins seconded the motion. The **MOTION CARRIED.**

h. Review and Approval of “Final Draft” Agreement for the Design Construction and Project Management for the Montano Gap Levee Project – Mike Hamman, CE/CEO

Mr. Hamman noted the presence of Mr. Jerry Lovato and Mr. Nolan Bennett from AMAFCA here to answer any questions on the agreement.

Mr. Hamman stated that this agreement was discussed in detail at the last Board meeting, and did get legal sufficiency approval with the help of Wiggins, Williams and Wiggins in a timely manner, and met the deadline to the NM Department of Homeland Security.

This agreement is a final draft, but there is a possibility there may be minor modifications here and there, based on final review from the NM Department of Homeland Security.

Chairman Kelly made comments that that this is for the right-of-way available for the project. The District has no financial participation, but will be on the project team and attending the public meetings. Mr. Hamman stated that Mr. Jason Casuga will be heavily involved now that Ray has retired. Chairman Kelly noted being that Mr. Casuga comes from the Bureau he should know about levees.

Mr. Hamman continued stating this is an opportunity to make major improvements to the Lower Corrales Drain. Chairman Kelly asked Mr. Lovato if he had anything to add and Mr. Lovato responded not at this time.

Director Baca made the **MOTION TO APPROVE THE FINAL DRAFT AGREEMENT FOR THE DESIGN CONSTRUCTION AND PROJECT MANAGEMENT FOR THE MONTANO GAP LEVEE PROJECT AS PRESENTED.** Director Moore seconded the motion. The **MOTION CARRIED.**

i. Set Date of Special Meeting to Determine Water Bank Lease Rates – Mike Hamman, CE/CEO

Mr. Hamman advised the Board that this has been a practice annually to schedule a Special Meeting to set the Water Bank Lease Rates and Fees, so that people can make their commitments to the Water Banking process. The Board schedule the Special Meeting to determine the Water Bank Lease Rates and Fees for 2:30 p.m. January 8, 2018, and the Regular Board Meeting will follow and commence promptly at 3:00 p.m. Mr. Hamman advised the Board that he would be contacting the Irrigation/Water Bank Committee Members and schedules a meeting. Chairman Kelly clarified that the Irrigation/Water Bank Committee will meet and present their recommendations to the full Board.

Director Baca stated he has some constituents asking about the Water Bank, not about the rates, but to sell to the Water Bank or use water that is not specific for irrigation. Mr. Hamman responded that there are different options that might be available to the District and the water bank, and deferred to Dr. DuMars.

Dr. DuMars stated currently it is limited to irrigation, but it could be modified. The difficulty typically is the person who gets a water bank lease has dried up some pre-1907 property. So the District would have to figure out what that person could do in lieu of that to make it work. All options will need to be evaluated for use of water in the Water Bank. Dr. DuMars suggested meeting in the spring to discuss those options and make recommendations.

Director Baca requested that the Water Protection Committee members be included in these discussions.

Chairman Kelly asked if the Bureau has some restrictions on use of water from the Rio Grande Project. Medical marijuana is something they are not allowing region wide. Dr. DuMars agreed and suggested something called 417 process where the federal government if they are the owner of the works or if they can control the works they can make certain limitations. That really does not apply here because we are not a federal project, and these are private water rights. The Bureau would probably frown on a medical marijuana project.

Mr. Hamman remarked they cannot use San Juan Chama water for medical marijuana.

Chairman Kelly, commented as an individual Board member, he might have issues if somebody wanted to use good irrigation water for hydrologic fracturing, or use water for just dust control and not construction projects.

- j. Discussion/Approval of 2018 MRGCD Holiday Schedule – Christine Nardi, HR Director



**MIDDLE RIO GRANDE CONSERVANCY DISTRICT
2018 HOLIDAY SCHEDULE**

HOLIDAY	APPROVED DATE	DAYS
New Year's Day	Monday, January 1	1
Martin Luther King, Jr. Day	Monday, January 15	1
President's Day	Monday, February 19	1
Spring Holiday Afternoon	Friday, March 30	1/2
Memorial Day	Monday, May 21	1
Independence Day	Wednesday, July 4	1
Labor Day	Monday, September 3	1
Veterans Day	Monday, November 12	1
Thanksgiving Day	Thursday, November 22	1
In Lieu of Columbus Day	Friday, November 23	1
In Lieu of State Fair Day	Monday, December 24	1
Christmas Day	Tuesday, December 25	1

Director Duggins made the **MOTION TO APPROVE 2018 MRGCD HOLIDAY SCHEDULE AS PRESENTED.** Director Romero seconded the motion. The **MOTION CARRIED.**

- k. Discussion/Approval of Proposed MRGCD Compensation/Pay Plan & Position Classification Plan – Christine Nardi, HR Director

Ms. Nardi advised the Board that the Mercer Group was retained in October 2016 for the purpose of preparing a compensation/pay and benefits survey and study. The District has been using an outdated compensation plan and wanted to see how its current compensation practices and fringe benefits provided to employees compared with comparable employers in the greater Albuquerque area. An updated plan is essential for the District to attract and retain a professional workforce. The absence of an equitable pay and benefits program can result in the loss of trained employees, and can hinder the recruitment of quality employees.

On November 13, 2017 Mr. Hamman and Ms. Nardi met with the Personnel Committee to present the findings of the study as well as present a draft of the new/proposed MRGCD Pay and Classification Plan and Position Classification Plan.

The proposed Compensation/Pay Plan consists of monetary (base wages/salaries) compensation and strives for fair market compensation as well as internal pay equity. The Position Classification Plan includes all position class specifications in the District's service.

The fiscal impact, to the FY2017-18 budget, of adjusting the minimum starting salary of some positions adjusting the minimum starting salary of the positions noted in the proposed Compensation/Pay Plan and adjusting the salary placement for eligible employees receiving credit for years of service is \$22,198. Mr. Fergeson, Secretary-Treasurer has been consulted and indicates that funds are available within the current FY budget to cover this fiscal impact due to vacancies savings.

Mr. Hamman, Mr. Fergeson, Ms. Nardi and the Personnel Committee recommend that the MRGCD Board of Directors adopt the new/proposed Compensation/Pay Plan and Position Classification Plan.

Once adopted by the MRGCD Board of Directors the Compensation/Pay Plan and Position Classification Plan will be administered by the CEO/Chief Engineer via the Human Resources Director according to the District's Personnel Policies and Procedures.

Director Dunning made the **MOTION TO APPROVE PROPOSED MRGCD COMPENSATION/PAY PLAN & POSITION CLASSIFICATION PLAN AS RECOMMENDED.** Director Moore seconded the motion. The **MOTION CARRIED.**

I. Report on NWRA Conference, November 15-17, 2017 – Mike Hamman, CE/CEO and Dr. DuMars, Chief Water Counsel

The conference is designed to educate the water community, both on a municipal and on the irrigation side of which NWRA represents. There was discussion about an infrastructure bill, but it has fallen off the plate with talk of the tax bill and all the other things going on in D.C., you don't hear a lot about infrastructure. We should have shovel-ready projects in the pipeline ready to apply for funding if it becomes available. That was the advice they were pushing.

Mr. Hamman was present for the introductory part with the Bureau of Reclamation with the Regional Director, the head of operations out of Reclamation in D.C., and Mr. Mike Black from BIA who came over to Reclamation. This was a very good hire on Reclamation's part. Mr. Black is a special advisor to the Commissioner.

Dr. DuMars stated he felt they made progress in discussing title transfer and the importance of that, and they were very receptive on that issue. He discussed the potential for expanded use of our Water Bank in different ways. Director Duggins discussed the relationship the District has with the Pueblos and that was a successful conversation because they truly understood that this District is really flexible and able to understand the needs of the Pueblos.

Mr. Hamman advised the Board that Mike Black commented he was really proud of the work and the relationship that MRGCD has with the Pueblos and complimented the District.

At the New Mexico section of NWRA meeting Mr. Hamman was appointed to be the federal liaison, and will be the alternate for Gary Esslinger and will be attending and discussing various federal issues, and also assist in putting together the state agenda and working with the federal government, and be able to give us more direct input into the federal process.

Director Dunning stated the Bill being discussed at NWRA is very involved, and that was what she was referring to when discussing the Lobbyist Agreement and doing other lobbying work. It

is a finance bill and basically for infrastructure you could borrow money from the federal government at a no-interest loan, and you won't have to start paying back until five years after completion of the project. It is a thirty-year payback period, and this would be much better than a bond issue. The District really needs to let our congressional delegation know that this would be really helpful to the District if passed. There is also another Bill being passed that's under consideration of streamlining the process of title transfer.

Off-line there was discussion regarding submitting a Bill to cap Inverse Condemnation claims against the District and the attorney for EBID, Samantha Barncastle, stated irrigation districts could likely not get exempted but could put upper dollar limit caps on claims..

Director Duggins commented that after the end of the meeting many were asking about Director Lente and I sent him their hellos, but the best discussions he had were in the hallways and on the elevators. There was also discussion on Corp of Engineers going through some transformations and becoming more customer service oriented.

Mr. Hamman supplemented one thing that Director Dunning mentioned about title transfer, he indicated that he spoke with Dan at Family Farm Alliance and requested information on what we are trying to transfer, and emailed out that information to Dan. We will wait and see if anything comes of it, but something is going on.

m. Announcement – District Staff Christmas Luncheon December 14, 2017 – Mike Hamman, CE/CEO

Mr. Hamman extended an informal invitation to the Board of Directors to come and join the MRGCD Staff on December 14, 2017 for the Christmas Luncheon.

n. Approved Licenses for November 2017 (For Informational Purposes Only)



Memorandum

To: Mike Hamman, CEO & Ray Gomez, Engineer Supervisor
FROM: Adrienne Martinez, Engineer I
Date: December 6, 2017
Re: MRGCD Licenses

The following license requests were approved by staff for the month of November 2017

1. 3-046-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Belen Highline Canal right-of-way
2. 3-049-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Henderson Lateral right-of-way
3. 3-053-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Garcia Acequia right-of-way
4. 3-054-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Santa Fe Ditch right-of-way
5. 3-055-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Caldwell Lateral right-of-way
6. 3-057-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the Rincon Acequia right-of-way

7. 3-060-2017 – License with the MMI SOUTHWEST, LLC to install and maintain a buried fiber optic cable within the San Juan Feeder right-of-way
8. 2-073-2017 – License with the Albuquerque Bernalillo County Water Utility Authority to install and maintain a buried 8”Ø non-potable waterline within the Barr Main Canal right-of-way at station 152+75±
9. 2-075-2017 – License with the Albuquerque Bernalillo County Water Utility Authority to install and maintain a buried 21”Ø sanitary sewer line across the Arenal Acequia right-of-way
10. 2-116-2017 – License with the Albuquerque Bernalillo County Water Utility Authority to install and maintain a buried 8”Ø non-potable waterline within the San Jose Drain right-of-way
11. 2-117-2017 – License with the Albuquerque Bernalillo County Water Utility Authority to install and maintain a buried 8”Ø non-potable waterline within the Barr Main Canal right-of-way at station 315+00±
12. 2-122-2017 – License with the Albuquerque Bernalillo County Water Utility Authority to install and maintain a gravel pavement within the Barr Main Canal right-of-way to access a PRV Vault as part of the Valle de Oro non-potable waterline extension project
13. SP-047-2017 – Special Use License with Salls Brothers Construction to construct the installation shown in AMAFCA’s Valle de Oro Second Street Flood Control Project in the Barr Main Canal right-of-way. Construction shall complete before March 1st, 2018
14. SP-048-2017 – Special Use License with “T@gged” television series to film a scene in the Stotts Lateral right-of-way
15. SP-049-2017 – Special Use License with g2i Construction to construct within the Rio Grande Levee and Bosque between the Village of Corrales and I-25 as part of the Rio Grande Restoration Project with the Army Corps of Engineers
16. SP-050-2017 – Special Use License with Geosystems Analysis, Inc. to access the Storey Wasteway to prepare for the December 7th meeting with the Middle Rio Grande Conservancy District and the Audubon Society for Bosque research
17. SP-052-2017 – Special Use License with Precision Surveys, Inc. survey and verify existing Bureau of Reclamation range lines from the southernmost edge of the Isleta Pueblo to the southern boundary of Belen, NM

AGENDA ITEM 9 - REPORT(S) FROM MRGCD LEGAL COUNSEL

a. Report of Bosque del Sol – Dr. DuMars, Chief Water Counsel - NO DISCUSSION ON BOSQUE DEL SOL

Dr. DuMars said he wanted to provide an update on the Oil and Gas “Ordinance 11-16-17.9” in Sandoval County that Director Lente was concerned with. You need a special use permit in order to get an oil and gas lease and do some drilling and testing in Sandoval County. There was a lot concern and they shifted and put it into the zoning ordinance, and now made it a permissive use. You will have to go through the New Mexico Oil and Gas Division. Dr. DuMars provided the Board a detailed handout of his research.

AGENDA ITEM 8 - REPORT(S) FROM THE MRGCD BOARD OF DIRECTORS

a. Report NWRA Conference, November 15-17, 2017- Directors Dunning and Duggins

Director Romero made the **MOTION TO APPROVE THE REPORT ON NWRA CONFERENCE, NOVEMBER 15-17, 2017** Chairman Kelly seconded the motion. The **MOTION CARRIED.**

b. Report on Meeting with Hydrology Staff regarding Monitoring Infrastructure & Water Use Planning, November 17, 2017 – Director Baca

Director Dunning made the **MOTION TO APPROVE THE REPORT ON MEETING WITH HYDROLOGY STAFF REGARDING MONITORING INFRASTRUCTURE & WATER USE PLANNING NOVEMBER 17, 2017** Chairman Moore seconded the motion. The **MOTION CARRIED.**

- c. Report on MRG Flood Control Association Annual Meeting December 5, 2017 – Chairman Kelly and Directors Dunning and Moore

Director Dunning said that many expressed that they couldn't have done it without help from other agencies, and how every agency is cooperating with other agencies to get their work done. That primarily was the theme for this meeting.

Director Moore stated she was impressed with the friendships and collaboration between all these agencies. It was very clear they have worked with each other on different projects through the years and they were all very good friends.

Director Romero made the **MOTION TO APPROVE THE REPORT ON MRG FLOOD CONTROL ASSOCIATION ANNUAL MEETING DECEMBER 5, 2017** Director Baca seconded the motion. The **MOTION CARRIED.**

- d. Report on Meeting with the Village of Los Ranchos Agriculture Program Manager, Fergus Whitney –Director Dunning

The Village of Los Ranchos has hired a full-time person to promote agriculture in the Village. Director Dunning and Mr. Hamman met with Mr. Whitney to find out what he will be doing and to let him know about MRGCD and open the door for future collaboration. The office is located at what use to be the Anderson's Winery, it is a big building and if we wanted to have workshops for farmers we could have it there. They are really trying to promote agriculture in the Village and are in the process of putting together a special exhibit at this Agri-Nature Center.

Mr. Hamman stated another part of their mission is for people who have lands that they want to lease or provide for maybe younger farming generations to come in and start working the land a little bit.

Director Baca made the **MOTION TO APPROVE THE REPORT ON MEETING WITH VILLAGE OF LOS RANCHOS AGRICULTURE PROGRAM MANAGER**, Chairman Kelly seconded the motion. The **MOTION CARRIED.**

- e. Report on Legislative Committee Meeting, December 11, 2017 – Chairman Kelly and Directors Duggins and Dunning

Election Consolidation Bill may make the Governors Call and Mr. Thompson will keep the Board updated. Discussed seeking legislation for liability cap for irrigation, and conservation districts for Inverse Condemnation claims. Elephant Butte Irrigation District volunteered their attorney to help write a bill and try to push this through the session. There was agreement to not push this bill during this short session but go through the Interim Committee process then get good sponsors for the next 60-day session.

APPROVAL NOT REQUIRED - MEETING HELD ON BOARD MEETING DAY

- f. Report on Finance Committee Meeting December 11, 2017 – Chairman Kelly and Directors Moore and Romero

Finance Committee met with the Auditor, Mr. Hamman, and Mr. Ferguson to review the FY17 Audit Report and Findings

APPROVAL NOT REQUIRED - MEETING HELD ON BOARD MEETING DAY

Director Romero made the **MOTION TO APPROVE THE REPORT ON NWRA CONFERENCE, NOVEMBER 15-17, 2017** Chairman Kelly seconded the motion. The **MOTION CARRIED.**

AGENDA ITEM NO. 9 – EXECUTIVE SESSION

- a. NMSA 1978 Open Meetings Act Section 10-15-1-(H)2
 - 1. Threatened or Pending Litigation

Chairman Kelly requested a motion to move into Executive Session at 5:30 pm.

Director Dunning made the **MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7).** Director Moore seconded the motion. The **MOTION CARRIED.**

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Chairman Kelly	Yes
Director Baca	Yes	Director Moore	Yes
Director Duggins	Yes	Director Romero	Yes

The **MOTION CARRIED.**

Chairman Kelly requested a motion to move back into the Regular Session at 6:25 p.m.

Director Dunning **MADE THE MOTION TO MOVE BACK INTO REGULAR SESSION.** Director Moore seconded the motion.

Chairman Kelly requested a roll call vote:

Director Dunning	Yes	Chairman Kelly	Yes
Director Baca	Yes	Director Moore	Yes
Director Duggins	Yes	Director Romero	Yes

The **MOTION CARRIED.**

Chairman Kelly said for the record that only discussion was had and no action was taken.

With no further comments, questions or concerns, Director Baca made the **MOTION TO ADJOURN THE MEETING.** Director Romero seconded the motion and the **MOTION CARRIED** unanimously.

The meeting was adjourned at 6:26 p.m.

Approved to be the correct Minutes of the Board of Directors of December 11, 2017.

Attested:

David M. Ferguson
Secretary/Treasurer

John P. Kelly,
Chairman, MRGCD Board of Directors