

**MINUTES OF THE
THREE THOUSAND SECOND REGULAR MEETING
OF THE
BOARD OF DIRECTORS OF THE
MIDDLE RIO GRANDE CONSERVANCY DISTRICT
January 9, 2017**

Directors having been duly notified, Chairman Lente called the regular meeting to order at 3:00 pm at the MRGCD General Office. The following Directors and Staff were present:

DIRECTORS:

Derrick J. Lente	Chair
Adrian Oglesby	Vice-Chair
Glen Duggins	Director
Karen Dunning	Director
John P. Kelly	Director
Chris Sichler	Director
Beverly Romero	Director

STAFF:

Michael A. Hamman	Chief Engineer/CEO
Tanya Scott	Chief Water Counsel
Bruce & Lorna Wiggins	General Legal Counsel
David Fergeson	Secretary/Treasurer
Jeanette Bustamante	Administrative Officer
David Gensler	Water Operations Manager
Doug Strech	GIS Supervisor
Sarah Avallone	Assessment Officer
Lorenzo Benavidez	Socorro Division Manager
Sloan Washburn	Belen Division Manager
Ray Gomez	Engineer Supervisor
Jason Casuga	Engineer I
Alicia Lopez	Engineering Technician

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

Margene Harris	Matthew D. Chaves
Dennis Harris	Teresa Chaves
Mario Rosales	Kathy Luna
Linda Rosales	Martin Haynes
Paula Sichler	Jennifer Faler, Area Manager, USBOR
CT Sanchez	Pablo Padilla, Legal Counsel, Pueblo of Isleta
Dale Jones	Pat McCraw, South Valley Ink
Michael T. Sandoval, Pueblo of San Felipe	Martin Anaya
John Thompson, MRGCD Lobbyist	Paul M. Torres
Jeff Willis, AMAFCA	Robert Torres
Ed Donoghue	Jimmy Pareo, Pareo Farms, Inc.
Gail Armstrong	Harvey Crowley, Mesa Verde Farms
John Sorrell, Sorrell Consulting, LLC	Jericho Sanchez, Tres Hermanos Dairy
Elaine M. Padilla	Daniel Ivey-Soto, NM State Senator, District 15
Ernie Marquez, Automated Election Services	Alfred Gabaldon, Gabaldon Farm
Aaron Anaya Dow, Dow Farms	Cody B. Walker, Pueblo of Isleta
Jessica Tracy, Pueblo of Sandia	

AGENDA ITEM NO. 1 – PLEDGE OF ALLEGIANCE

Chairman Lente welcomed the guests and declared a quorum.

Chairman Lente requested that Director Kelly lead the Pledge of Allegiance.

AGENDA ITEM NO. 2 – APPROVAL OF THE AGENDA

Chairman Lente called for approval of the agenda. Chairman Lente said the BIA would not be at the meeting and to delete agenda item 7b.

Director Romero made the **MOTION TO APPROVE THE JANUARY 9, 2017 AGENDA AS MODIFIED**. Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 3 – LOCAL ELECTION ACT PRESENTATION & Q&A – NM State Senator Daniel Ivey-Soto/District 15

Senator Ivey-Soto began his PowerPoint presentation on a bill which will move all of the local non-partisan elections to the same day and time. He said in 1925 the beginning of the MRGCD and the lawsuit *Davy v. McNeill* regarding the Officers of Bluewater-Toltec Irrigation District affirmed the structure of the MRGCD. He said the current structure, one director each from Sandoval, Valencia and Socorro counties, one at-large and three directors from Bernalillo County and all directors are elected regardless of population. He said that MRGCD registration is based on land ownership regardless of irrigation status; with regard to Pueblos, each Pueblo sends in a list of who gets to vote and that list is not questioned by the MRGCD, each Pueblo has different rules and, in addition, those residing on Pueblo territory, don't need to be within the benefited area. He said in New Mexico, the state constitution Article VII, provides specifically that "Indians not taxed" were not permitted to vote in New Mexico and then in 1962 *Montoya v. Bolack* ruled that these would be Federal Indians.

Senator Ivey-Soto said basically what they are talking about is the NM Constitution, Article VIII, Taxation & Revenue Section 9 which provides that "no tax or assessment of any kind shall be levied by a political subdivision whose enabling legislation does not provide for an elected governing authority." He said the only source of authority that the MRGCD has is in the election of the governing body; that language was not added until 1974. He said in addition to this, in Article VII, Section 1 of the NM Constitution which was added in November 2010 and approved in September 2016 is that "every person who is a qualified elector pursuant to the constitution and laws of the United States and a citizen thereof shall be qualified to vote in all elections in New Mexico, subject to residency and registration requirements provided by law....". Senator Ivey-Soto said in looking at this every person who is a qualified elector is qualified to vote in all elections in the State of New Mexico; residency and registration are the only two restrictions other than criminal conviction or mental incapacity. He said in addition, the US Supreme Court on four separate occasions through the 70's has declared unconstitutional statutory schemes restricting the franchise to property owners as violative of the equal protection clause and he related those four cases. He said the US Supreme Court has been very clear that restricting the franchise, the ability to vote, to property ownership violates the constitution. Senator Ivey-Soto said in addition to this, the Supreme Court of New Mexico has specifically declared property ownership requirements in our state constitution to be in violation of the equal protection clause of the United States Constitution with the Board of Education of Village of Cimarron v. Maloney in 1970 and the NM Supreme Court has also held that denying non-taxed Indians the right to vote based on non-property ownership violates the equal protection clause as well – Prince v. Board of Education in 1975. He said the State Supreme Court has covered both sides of this; they've covered that you can't exclude based on property/non-property ownership and you can't exclude based on non-ownership of property and so basically property ownership is of no value when it comes to voting qualifications.

Senator Ivey-Soto said questions of denial of the Elective Franchise are analyzed in what is called strict scrutiny which means 1) it must be justified by a compelling governmental interest 2) the law or policy must be narrowly tailored to achieve that goal or interest and 3) the law or policy must be the least restrictive means for achieving that interest. He said the MRGCD property ownership requirement most likely fails strict scrutiny, particularly since non-owner irrigators are excluded from voting; people who benefit from the very mission of this body are not allowed to vote. He said that meanwhile people who are not irrigators, but do own property, are voting. Senator Ivey-Soto said the Local Elections Act brings the MRGCD and other special districts into compliance with both State and Federal constitutions. He said the bill will 1) set a single day for all local, non-partisan elections 2) elections will be administered by the County Clerk and 3) voters are those who are registered to vote. Senator Ivey-Soto said the MRGCD has special challenges as part of this bill and he recognizes this. He said the MRGCD is truly unique, not only in its structure, but also in its history and in its mission. He said after several meetings with MRGCD Board members, the MRGCD Chief Engineer and government relations, there appears to be agreement that the provisions of the Local Elections Act

should not apply to the MRGCD until the 2021 election cycle; if this bill were to pass. He said this will give time for a thoughtful restructuring based on the initiative of the MRGCD and not designed from the outside.

Senator Ivey-Soto said he will now stand for questions. Director Oglesby asked about the Senator's thoughts on how this process could be managed and the Senator said he does have some thoughts and there are a variety of options that could be worked through and he went on to explain some of the options and said that there are special districts where some members of the Board are elected and some are appointed; as long as the majority of the Board is elected and complies with that section of the constitution. Senator Ivey-Soto said there is a need to take a look at the boundaries of the benefitted area and there may be some adjustments to those boundaries to more carefully tailor the benefitted area of the MRGCD to the irrigators as well as those communities within those areas. Director Oglesby asked about those Board members that would be appointed and who would appoint those members and Senator Ivey-Soto said it would be his instinct that it would ultimately be the Board; within certain qualifications. Director Oglesby asked about re-districting and Senator Ivey-Soto said that is something that needs to be looked at. Senator Ivey-Soto said there are some interesting and very positive options on the table for the MRGCD, but these are not things they should rush into and need to be done with a lot of thought, care and conversation. Director Dunning asked about how elections would actually be conducted and she went on to explain how carefully the MRGCD Board considers and approves polling locations and this bill may not give the Board any say in those locations. Senator Ivey-Soto said under the bill the elections would work the same way that primary and general elections work. He said they would be administered by each County Clerk's office and he said there is a section of the election code that pertains to the Pueblos and the Pueblo can request a polling place for all or part of the Pueblo and any constituent can petition for a specific polling location and there are existing statutes that apply to this issue. He said in terms of the financing, it is his (*unintelligible*) the elections would be financed the same way as the primary/general which is the State pays for the ballots, balloting machines and the counties pay for the polling locations and poll workers. He said there would then be an assessment to the MRGCD for the payment of the elections. Director Kelly asked if this bill has gone to any of the interim committees for discussion and where is the process. Senator Ivey-Soto said the bill would be introduced when the Legislature begins. He said the concept of the bill has gone through the House the last two years carried by Representative Paul Bandy and has passed twice. Director Kelly said his concern is the change from landowners to registered voters would immediately dilute the interest of those irrigators that vote in every election as well as the six Pueblos. He said he would hate to see the MRGCD being run by a bunch of millennials that are living in apartments in downtown Albuquerque and their main concern is riding their mountain bikes in the Bosque. He said the case law is something the Board will need to question their attorneys about and how will the bill handle the appointment of members to cover the historical communities. Director Kelly said the last thing that one of the Board members would want to be is part of the four that got elected and now they have to appoint three more people – he said he is running for one seat and he happens to be one of the non-irrigating rate payers that lives in Bernalillo County. Director Kelly said he looks at the current Board and there is a definite mix and pretty much cover the spectrum of the MRGCD constituency and he has concerns. Senator Ivey-Soto said he hears those concerns and that is why he doesn't want to jump the gun on what the solution would be and that is why the bill would stipulate that the MRGCD would not be affected until the 2021 election cycle. He said he is committed to not changing the nature of the MRGCD, but he is very much aware of the development of case law over the years and constitutional law; both Federal and New Mexico and the implications they have. Senator Ivey-Soto said it is better that the Board would decide what the MRGCD should look like rather than some judge deciding. Senator Ivey-Soto said right now there is not a case, but at some point there could be a case and it would be problematic for the MRGCD and it is better to think proactive rather than reactive. Director Kelly said he feels the voting should follow the landowner and Senator Ivey-Soto said the courts would disagree and that's the problem. Director Sichler said he agrees with Director Kelly; he sees a very diverse Board sitting here and hopefully the current election system is working. He said the Board hasn't always worked together, however, changes have been made and things are working and it seems to him that it is a case of it's not broken so let's break it. Director Sichler said when they speak of disenfranchising voters and in the bill the definition of a qualified voter as a registered voter within the MRGCD. He said in his county and initially when the MRGCD was formed, people farmed in the valley and lived in the hills outside the valley and there is still a lot of that and according to the bill's definition of a qualified voter these people would no longer be able to vote. He said he doesn't think that four years is a long enough time to solve that problem and perhaps it could never be solved. He said it is also a problem for the Pueblos and how does Senator Ivey-Soto see fixing this problem. Director Sichler said that some voters might be able to vote, however, at the same time, there would be a large group of voters that would be disenfranchised that have always voted and now they won't

be able to vote and how would they deal with that. Senator Ivey-Soto said he would deal with it very simply and it is the MRGCD as an ad valorem taxing authority with an elected Board and that current form does not comply with the constitution. He said there are a couple of options and one of those is the MRGCD could give up their ad valorem taxing authority because he is not worried about public bodies that operate on assessments. If the MRGCD chooses to operate under ad valorem property taxation, then that brings the MRGCD under Article VIII and Article VII and that is a problem in terms of the law and he is a Constitutionalist. Director Sichler said he appreciates the answer and he said they will leave that to the MRGCD legal counsel and there is case law on this issue. Director Duggins said he would like to re-visit the option of the majority of the Board would be elected and that majority would then appoint the other three seats and Senator Ivey-Soto said that is not in the bill, but is simply an option of what could be done and there are many options available in terms of how it could work and he is willing to work with the Board over the next years in terms of finding the best solution. Director Duggins asked if the bill is saying that everyone that is a registered voter would then be able to vote within the MRGCD. Senator Ivey-Soto said for the entire state of New Mexico is that every non-partisan local public body that has ad valorem taxing authority, property taxes, that all of these elections would be run on the same day and time in the odd numbered years. Director Dunning asked if the purpose of the bill is to increase voter turnout or is it so elections will run more efficiently; what is the rationale behind the bill. Senator Ivey-Soto said the rationale is there are a variety of public bodies that are not operating within the constitution and there are many different elections in a year and trying to keep track of when all these public bodies have their elections; people lose track and that is not fair to the voters and the people of New Mexico. He said those voters that pay taxes and getting their taxes raised are owed a proper and fair knowledge of the election and what is happening in that election. He said there would be three regular elections in a two year period; the primary election, the general election in the even numbered years and the local election in October of the odd numbered years. He said most special elections normally raise taxes and would be by mail and everyone would be mailed a ballot and then would know what they are voting for. Director Dunning asked if the municipalities are in support of this bill and Senator Ivey-Soto said they are split on the issue. Director Oglesby asked about the flexibility of the timing of the elections and that, from the perspective of the MRGCD Board, is important and Senator Ivey-Soto said he is open to having that conversation. Director Romero asked if this bill would be on the agenda for discussion on the Association of Counties meeting and he said there would certainly be discussion at that meeting. Chairman Lente said he would like to thank the Senator for making this presentation and for him it was important that the Board is able to hash out the issues and to be proactive on developing something like this that is going to affect thousands of people. He said it concerns him in the same regard of his fellow directors in how it will impact their respective counties and the non-irrigators, the big farmers and the Pueblos that he represents in Sandoval County. He said that Representative Bandy's bill passed in the House in the past two sessions, and now he will be going to the Legislature next week, has this bill been presented to any other bodies and Senator Ivey-Soto said he has presented it to two Soil and Water Conservation District Associations and to the Association of Counties and the materials were sent to the Municipal League and there was discussion at their meeting. Chairman Lente asked his sense on the support of the bill and Senator Ivey-Soto said the director of one of the Soil and Water Conservation Districts said that it just makes sense and what he is getting is a lot of theoretical support of the bill and that doesn't always translate into actual support when it comes time to vote.

Chairman Lente said when the people lead, the leaders will follow and he will now open the floor to the public to ask questions. He said this may be the only chance these constituents may have before it goes to Santa Fe. Pat McCraw asked if Senator Ivey-Soto was aware of Water law and the Senator responded that elections are his area of expertise. Ms. McCraw said the Supreme Court has decided that elections across New Mexico that you can vote based on property rights and water rights. Senator Ivey-Soto the original case was in 1925 and there were some in the 60's and 70's and Ms. McCraw said in the Supreme Court decision of *Diablo v. Kaiser* it was determined that people that own property and water rights can vote in an election and Senator Ivey-Soto said he was familiar with that case. Martin Haynes said he is a rate payer in Bernalillo County and his question is while the presentation speaks to the law, there is a practicality and he is trying to be polite. He said many of the Board may be too young to remember when this organization tried to get the County Clerk's to run the election and there was also a time that the MRGCD did have their election at the same time of the General Election and it turned out to be one of the worst disasters to be involved in. He said you couldn't find where to vote, it was confusing and at best an experience that needs to be looked at. Mr. Hayes asked Senator Ivey-Soto if he had spoken to any County Clerks about taking on this election. Senator Ivey-Soto said yes and as a matter of fact the County Clerk's Affiliate has endorsed this bill. Frank Chaves said he is from the Pueblo of Sandia and he wanted to make sure the Senator is aware that a lot of

the MRGCD's works are on Pueblo lands and that land is used by the middle valley to deliver water, watershed and drainage. He said he thinks it is important that the bill makes certain that the Pueblos and their lands are protected regardless of the outcome of the bill. Senator Ivey-Soto said that is one of the reasons he has made extra time for the MRGCD to make sense of this issue and it is done in such a way that it honors these areas. Pat McCraw had several comments and wants to know where the protection for the farmers and irrigators is; they formed the MRGCD. She said they gave the water to manage for irrigation, drainage and flood control and did not give it to some guy sitting in his dad's basement growing marijuana with seventeen of his friends to register and vote over a voter that has many acres and irrigates. She said this bill will be giving the power for someone to outvote these guys so all they have to do is worry about what's in their basement; whether it is gaming or growing marijuana. She said Senator Ivey-Soto needs to read up to Chapter 72 and all the chapters in the 70's regarding acequia law, irrigation, water law and special elections. She said the NM Supreme Court does provide for water elections based on property; if you own water rights, then you have the right to determine where that water goes. She said the MRGCD doesn't need to be supplying benches for people to sit on and pick the berries off the trees and impede the process of the MRGCD. Ms. McCraw said the MRGCD has always been about letting people use the ditches for recreation, but that does not include four wheelers. She said by doing this, the bill will be diluting the power of the farmer and killing the irrigation districts. She said the farmers allow the MRGCD to manage their water with the promise that it will be properly managed and they would be able to vote on the use of that water. She said the bill needs to accommodate the water elections. Ms. McCraw said she is curious about the ad valorem tax and is a mill levy an ad valorem tax? She said a mill levy is based on the water that is used on your property. She said the water is not State water and belongs to the farmers and this Board was created to manage it for them and to keep the rural areas going. She said she will definitely be seeing him in Santa Fe. Jerico Sanchez said he is a farmer and a dairyman in Veguita. He said this is a horrible idea. He said the bill is taking the power out of the true stakeholder's hands and the Senator has no idea. He asked if the Senator farms and the Senator responded that he did not and Mr. Sanchez asked did his parents farm and Senator Ivey-Soto responded they did farm tobacco and corn. Mr. Sanchez asked if it was in New Mexico and Senator Ivey-Soto responded no and Mr. Sanchez said they probably irrigated with rain water and farming in NM is a whole different deal. Mr. Sanchez said his family has been in NM for four hundred years and you lawyers think they are smarter than everyone. He said that when they start making the changes and then the farmers are the ones that have to deal with it. Mr. Sanchez asked if Senator Ivey-Soto came up with this idea and the Senator replied that it began with Representative Bandy and he carried it the first time. Mr. Sanchez asked if that was when the Senator noticed that the MRGCD was out of compliance and Senator Ivey-Soto said no. Mr. Sanchez said now the fox is in the hen house and they are trying to change everything. Senator Ivey-Soto said that is the reason why he is willing to extend the time for the MRGCD. Mr. Sanchez said he thinks the Senator is getting his name on the bill so that he can go down in history and can say that he is the one, as a constitutional lawyer, he can say he got this in place and the farmers will have to deal with it. Chairman Lente said he would like to be clear that the Senator should be shown some respect; he is an elected official of the State and while we may not agree with his idea, he should be shown respect. Director Dunning said the City of Albuquerque has elections where you can vote for mayor or council, but you can also vote for bond issues. She said that in the last election, the City determined that if you didn't live within the City limits, but you owned property within the City limits you could vote on the bond election, but not for the candidate. She asked if in this proposed bill, if property was owned in different counties and it sounds like if you wanted to vote in the MRGCD election in Valencia County, but you were registered in Albuquerque, you would have to change your registration. She said if you change your registration, you would be allowed to vote in Valencia County; is it residency or property ownership or what would determine your ability to vote in an MRGCD election? She said she is guessing it would be the same in all the elections so you couldn't say for MRGCD purposes I want to vote in Valencia County because I own land there. She asked under this bill property ownership really doesn't mean anything at all. Senator Ivey-Soto said that is correct. Director Dunning asked how is it the City can do that now if it is not unconstitutional? Senator Ivey-Soto said there is a section of the State constitution, which has arguable validity that says a municipal bond election a person who owns land within the municipality and is registered to vote in the same county may vote on that bond election and he went on to give an example of this. Director Dunning said in Valencia County the MRGCD has people own some of their land in one county and some in another and she suspects there are others in the other counties that own large acreage in both counties. Senator Ivey-Soto said it is based upon residency. Director Duggins said the Senator said something about running elections in the fall and being successful and that is exactly what he did. He said with all due respect, he thinks he needs to bring the Senator up to par on that. He said to think that it is not harder for a farmer and puts him at a disadvantage to run an election in the fall, just shows how out of touch he is. Director Duggins said at his house he puts his

boots on at 4:00 in the morning, he has spoken to 10, 12, 15 stores before daylight. He said his workers come to work at his farm with their headlights on and they receive their orders as they arrive and their trucks are leaving to feed the City. Director Duggins said that somewhere during the day he is going to have to figure out how to get some hay cut, some hay bailed, he will skip the raking, but that will have to do and get it out of the field and on a truck to get it to one of the dairy men. He said in the whole time he has to do this, they are irrigating day and night and probably on his farm ten days and nights straight. He said to think that doesn't put him at a disadvantage. He won his election and he won it with five generations of Duggins, good people, giving people, people of the community and frankly it was easy; he ran on his reputation because the people know he is honest and cannot buy him. Director Duggins said his name means more to him than anything and that is why he won. He said running the north end of Socorro is one thing, running the 200 miles of the MRGCD is entirely another thing. He said when his day is over in the fall of the year, he lays his head down at 9 and 10:00 and he gets up again at 4:00 in the morning and faces the same again. Director Duggins said on his mother's birthday, he broke his arm and his truck blew up, it does not matter; it has to be done and that is the life of a farmer in the fall. He said it is a huge burden to run an election in the fall and that is why the gathering of the State is in January because of the farmers and the ranchers to give them a better opportunity to participate and is that not why that date is chosen and Senator Ivey-Soto responded said he believes so. Director Duggins said he would like the Senator to understand that in his position that the election he just won, his farm paid a hell of a price to get that done, but he was willing to do that to make a better community. Director Duggins said it is also rumored that the Senator will have a lawsuit if he doesn't get his way. He said in a State that continues to run at the bottom of the bucket riddled with poverty, people walking in the streets because there are no sidewalks and a sitting Senator threatening a lawsuit that these people will have to defend and pay for. He said he struggles with this and the only struggle is how to get through it. Director Duggins said he can only speak for himself; the Senator's bill has his zero support. He said this bill is going to silence the Pueblos and the fine people right here in this crowd and he is not for it; not one bit. Senator Ivey-Soto said he did not mean any disrespect and Director Duggins said he does not mean disrespect back. He said we live in a world where people look at the beautiful fruit and the chili roasting and he often gives fruits and vegetables to people and when he does he asks them to remember that it is the 10% that feeds the 90%. He said he asks these people that when they sit down, when they have their salad, their baked potato with sour cream from these dairymen, think of it and thank God that those people watered all night long and milked the cow Christmas Day, New Year's Day, your mother's funeral it doesn't matter because those cows will be milked. He said they need to be thankful for the agriculture community and the world continues to be oblivious to what they do. Director Duggins said he doesn't mean any disrespect at all, but they need to look at it for what it is and call it for what it is. He said they cannot have the City running the rural farming areas; it can't be done and the Senator wouldn't want that. He said the Senator wouldn't want him in a surgery room with shaking hands, but he does know his business and they just want to be left alone to do their business. Senator Ivey-Soto said his initial comment in response to Director Oglesby's question and he is open to conversation about the date. He said the other thing is and he understands, at least intellectually, that the knowns and unknowns of this bill are very emotional. He said he wants the Board to know, at least intellectually, that first of all he is not interested in a drive-by, which is to say that he is not interested in writing a bill and then walking away. He said he is interested in continuing to have conversations and interested in finding a way to make things operate in a manner that is within the law. He said where they divert is that the principal where he is coming from is if the MRGCD has general property taxing authority, they need to operate within the general rules of elections and if the MRGCD is not a general property taxing authority, then they don't need to. Director Sichler said the Senator keeps quoting the law and the Senator, as a legal person, has his opinion of the law. He said they need to hear from MRGCD legal counsel and hear what they are saying and he believes there is case law supporting what the MRGCD is doing right now. Director Sichler said he couldn't have said it any better than Director Duggins. He said he is in agriculture and he takes this as a threat to agriculture and they are a very small minority in this state. He said he doesn't think a lot of people understand what they do and he doesn't really think they are a lot of people in this state understand where food comes.

Chairman Lente said he would like to thank the Senator for his presentation and members of the audience understand that this bill will be introduced and if they do find it to be concerning, please get involved in one way or another and to let the Senator know their thoughts. He said the Board is also here as representatives of the MRGCD, of agriculture, the Pueblos and the urbans. He said they don't just want to occupy this valley, but to thrive in this valley. Senator Ivey-Soto said this bill will first be introduced in the House.

Director Kelly requested a short recess and the Chairman adjourned the meeting at 4:05 p.m.

Chairman Lente reconvened the meeting at 4:15 p.m.

AGENDA ITEM NO. 4 – APPROVAL OF MRGCD PAYMENT RATIFICATION & ATTORNEY INVOICES

- a. Consideration / Approval of Payment Ratification – January 9, 2017

Chairman Lente called for approval of the January 9, 2017 Payment Ratification.

Director Kelly made the **MOTION TO APPROVE THE PAYMENT RATIFICATION OF JANUARY 9, 2017 AS PRESENTED.** Director Dunning seconded the motion. The **MOTION CARRIED** unanimously.

- b. Consideration / Approval of December 2016 Invoice for Wiggins, Williams & Wiggins

Chairman Lente called for approval of the December 2016 invoice for Wiggins, Williams & Wiggins.

Director Dunning made the **MOTION TO APPROVE THE DECEMBER 2016 INVOICE FOR WIGGINS, WILLIAMS & WIGGINS AS PRESENTED.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 5 – APPROVAL OF THE MRGCD MEETING MINUTES

- a. Consideration / Approval of Minutes for Regular Board Meeting – December 12, 2016

Chairman Lente called for approval of the minutes for the Regular Board Meeting December 12, 2016. There were no revisions to the minutes as presented.

Director Oglesby made the **MOTION TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING DECEMBER 12, 2016 AS PRESENTED.** Director Duggins seconded the motion. Chairman Lente abstained. The **MOTION CARRIED.**

AGENDA ITEM NO. 6 – ITEMS FROM THE FLOOR (Comments are limited to three (3) minutes)

Pat McCraw said she would hope the Board will vote in the interest of the MRGCD and not along party lines on the Local Election Act bill. She said this issue transcends party lines and just because they are one party or the other, they should be doing what their bosses are telling them to do and their bosses are the farming public of the MRGCD and water is far too important to make it a partisan issue. She said she would hope the Board would put a phone bank together to call people to get them to the Legislature.

AGENDA ITEM NO. 7 – REPORT(S) FROM THE DEPARTMENT OF THE INTERIOR

- a. Bureau of Reclamation – Jennifer Faler, Area Manager

Ms. Faler reported said she for one is happy that 2016 is in the rear view mirror although it was filled with great challenges and she is looking forward to 2017 and getting some work done. She said it was a long and winding road with the Biological Opinion and they are optimistic of a successful implementation. Ms. Faler said the BOR was requested by the non-Federal partners to hire a contractor to manage the Collaborative Program and they did so with a third party contractor out of Idaho and she went on to give some details of the scope of work for the contractor. She said she

also wanted to thank the MRGCD for their help in resolving a long standing dispute with the Pueblo of Isleta and it resulted in a 50 year agreement. Ms. Faler said they are working to try and resist the temptation of losing momentum and they will keep pushing and follow through to resolve all the issues. Ms. Faler said on the hydrology side that Mr. Gensler has already filled them in and she said the BOR office in Chama has three feet of snow and she hopes that bodes well for the coming water season. Directors Dunning and Oglesby had questions regarding the chosen contractor for the Collaborative Program and Ms. Faler answered accordingly.

The following summary report was received electronically from the Bureau of Reclamation.

1. Heron Summary

Content = 65,813 ac-ft. (1/04)
 Azotea Tunnel: 0 cfs
 Total SJ-C inflow year-to-date: 0 ac-ft.
 Currently releasing: 0 cfs
 Current MRGCD storage: 0 ac-ft.

2. El Vado Summary

- A. Total storage (all contractors and natural) in El Vado as of 1/04:
51,915 ac-ft.
- B. Native in El Vado
422 ac-ft.
- C. MRGCD SJ-C storage in El Vado
36,897 ac-ft.
- D. P & P
0 ac-ft.
- E. EDWA:
0 ac-ft.
- F. All other SJ-C contractors:
14,576 ac-ft.

Current release is 200 cfs RG Inflow is 40-60 cfs

3. Storage in Abiquiu

Content = 118,721 ac-ft. (1/04)
 MRGCD SJ-C storage = 0 ac-ft.

Total water for minnow released to date in 2017: 0 ac-ft.

Snowpack Data:
As of 1/06/17 (% of median)

Rio Chama Basin.....186%
 Upper Rio Grande Basin.....133%
 Sangre de Cristo Basin.....119%
 Jemez Basin.....121%
 San Juan River Basin.....124%

b. Bureau of Indian Affairs

Bureau of Indian Affairs was not at this meeting to make a report.

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

a. Water Report – David Gensler, MRGCD Water Operations Manager

Mr. Gensler reported that he had a telephone conversation with the NMISC prior to this meeting and, unfortunately, it is not good news; about 3,000 ac-ft. Compact shortfall. He said just for the record there is 100% of normal snowpack up north right now and 130% in the Upper Rio Grande Basin. He said the long term climate outlook is the probability for warm and dry and so far it seems like the warm is coming true, but the dry is not. Mr. Gensler said the stream flow is about 100 cfs below El Vado and there is currently native water being stored at El Vado and there is 650 cfs coming out of Cochiti. He said the 3,000 ac-ft. Compact shortfall is going to cause the MRGCD to deal with, not only Article VII, but also Article VIII restrictions in the coming year. Mr. Gensler said the MRGCD is sitting on about 32,000 ac-ft. today and he expects to store another 30,000 under the Emergency Drought Water agreements, plus a little bit of minnow water and that's about 65,000 for the season plus whatever is received from San Juan-Chama project; which should be 20,900 this year; which they can hopefully store for next year. Director Sichler asked about the Water Bank storage triggers and Mr. Gensler gave his explanation.

b. Irrigation Efficiency Improvements Initiative – Mike Hamman, MRGCD CEO & David Gensler, MRGCD Water Operations Manager

Mr. Hamman said that both he and Mr. Gensler have been developing this project over the last few months under Mr. Gensler's new title of MRGCD Water Operation Manager. He said this Initiative is a combination of things and they have briefed the MRGCD Board Irrigation Committee on this project. He said that all of the Irrigation System Operators (ISO) were brought under Mr. Gensler's management to transition towards a collective mindset throughout the organization and move the MRGCD to operate within policy. He said what goes with this is a lot of communications with the ISOs and the farmers, good planning between irrigation cycles and continuing to improve the system with new efficiencies. Mr. Hamman said that with this they will be discussing later in the meeting that the MRGCD will be leveraging Federal funds to help on the farming side.

Mr. Gensler distributed a report on a pilot project they conducted during the 2016 irrigation season. He said for the first time ever they actually looked at what was happening on a farm in terms of how the water is being delivered and how the water is being used. He said since 1996 he has been working on operational efficiencies and now all the easy stuff has been done. Mr. Gensler said they will continue to make the canals look better and provide better service to the irrigators, but going forward, due to competition for water and less water, the MRGCD is looking at other things. He said one of those items has to do with the application of water on farms. Mr. Gensler then gave a synopsis of a test he did on a small urban parcel located along the Albuquerque Main Canal during the past irrigation season. He said going forward they will take on more of these projects and he will train the ISOs is to recognize difficult irrigation situations and research solutions. Mr. Hamman said he thinks this project will also help with irrigator scheduling issues and may also help farmers to increase their crop yields. Director Sichler asked if the Division Managers would still be involved with the ISO's and Mr. Gensler said that would not change. Discussion followed on canals, pipes and existing structures. Director Duggins asked if the money the MRGCD received from the BOR through NRCS could be used for these types of projects and Mr. Hamman said his understanding is this funding is through the EQUIP Program for On Farm Efficiency Improvements and if a farmer has applied for or received those monies, the MRGCD would be a partner in the design of that improvement and would become part of the solution.

c. Update on Major Projects – Mike Hamman, MRGCD CEO

Mr. Hamman reported that staff decided to postpone the Corrales Siphon Project because of contracting issues and the upcoming irrigation season. He said the MRGCD is going to take time to complete this project. Mr. Hamman said the MRGCD is beginning research on the Isleta Diversion Dam to see how operations can be optimized while providing a fish passage. He said there are a lot of ideas being floated around and staff will be getting a project plan in place within the next weeks and he went on to specify some of the possible concepts and said he hopes to get money budgeted for this project in the next fiscal year.

d. Request to Support the NWRA August 2017 Meeting in Santa Fe – Mike Hamman, MRGCD CEO

Mr. Hamman said Gary Esslinger, State President of the National Water Resources Association approached him regarding possible hosting of an event at the NWRA annual summer meeting being held in Santa Fe. He said the request is for \$2,000 and the funding is available. Director Sichler asked about what the MRGCD got out of attending NWRA and the expense of these types of conferences; discussion followed. There was consensus from the Board to approve the request for \$2,000.

e. Consideration / Approval of Resolution M-01-09-17-145 Application for Water Conservation Field Services Program Grant – Mike Hamman, MRGCD CEO

Mr. Hamman said this is a program that makes \$50,000 available to agencies that want to demonstrate water conservation and he then explained the program grant. Mr. Hamman said that staff is recommending approval to submit an application for this grant. Director Kelly had questions regarding the budget and cost sharing services and Mr. Hamman answered accordingly.

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT
AUTHORIZING APPLICATION FOR A WATER CONSERVATION FIELD SERVICES
PROGRAM GRANT THROUGH THE U.S. BUREAU OF RECLAMATION FOR THE ON-
FARM EFFICIENCY STUDY

M-01-09-17-145

WHEREAS, the reliability of water supply is essential to all water users within the Middle Rio Grande Conservancy District (MRGCD), and

WHEREAS, the MRGCD relies on the Rio Grande to meet customer demand, including 70,000 acres of irrigated agriculture within four counties and six Indian Pueblos, as well as operations required to meet the Middle Rio Grande Endangered Species Act Biological Opinion; and

WHEREAS, the District desires to increase system efficiency and optimize its practices; and

WHEREAS, the U.S. Bureau of Reclamation (Reclamation) has made available funds through its Water Conservation Field Services Program for the purposes of encouraging water conservation and management plans, System Optimization reviews, design of water management improvements, and demonstration of conservation technologies; and

WHEREAS, the reliability of water supply is essential to all water users within the MRGCD; and

WHEREAS, the MRGCD has prioritized the On-Farm Efficiency Study to demonstrate water conservation technologies; and

WHEREAS, the MRGCD does hereby commit to being a cost share and local sponsor of the On-Farm Efficiency Study if the MRGCD is awarded a grant. This includes the cost-share of up to \$60,000 in cash and/or in-kind services that the Board of Directors will accordingly budget for in the District's FY18 operating budgets; and

WHEREAS, the MRGCD will work with Reclamation to meet established deadlines for entering into a cooperative financial agreement and completing the work schedule within the designated timeframe from the date of award; and

WHEREAS, the Water Conservation Field Services Program grant procedures requires a resolution of the governing body authorizing the submission of an application to Reclamation.

NOW THEREFORE, BE IT RESOLVED that the MRGCD Board of Directors does hereby authorize the CEO/Chief Engineer to submit an application to the U.S. Bureau of Reclamation requesting consideration for a Water Conservation Field Services Program grant to fund the On-Farm Efficiency Study.

DATED AND RESOLVED this 9th day of January 2017.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT


Derrick J. Lente, Chairman

ATTEST:


David Ferguson, Secretary/Treasurer

Director Kelly made the **MOTION TO APPROVE RESOLUTION M-01-09-17-145 AUTHORIZING APPLICATION FOR A WATER CONSERVATION FIELD SERVICES PROGRAM GRANT THROUGH THE U.S. BUREAU OF RECLAMATION FOR THE ON-FARM EFFICIENCY STUDY.** Director Oglesby seconded the motion. The MOTION CARRIED unanimously.

- f. Discussion / Consideration / Approval of Dates for County Informational Meetings – Mike Hamman, MRGCD CEO

Mr. Hamman said it was the consensus of the Board that informational meetings would be scheduled in each county prior to the beginning of the irrigation season. After discussion, the Board made the decision to possibly hold a meeting in Socorro County the end of February, the Valencia meeting in March and the Sandoval Meeting the first part of April. The Board requested that Mr. Hamman take their suggestions and then set the dates and times for each county.

- g. Approved Licenses for December 2016 (For Informational Purposes Only)

AGENDA ITEM NO. 9 – REPORT(S) FROM THE MRGCD ATTORNEY(S) (Chief Water Counsel and/or General Counsel)

There were no reports, questions or comments for this agenda item.

AGENDA ITEM NO. 10 – REPORTS FROM THE BOARD OF DIRECTORS

- a. Report – MRGCD Irrigation/Water Bank Committee – December 23, 2016 – Chairman Lente, Directors Sichler & Duggins

Chairman Lente said this report was covered in the earlier Water Bank meeting. He called for a vote to approve this report. Director Kelly made the **MOTION TO APPROVE THE REPORT BY MRGCD IRRIGATION/WATER BANK COMMITTEE-CHAIRMAN LENTE, DIRECTORS SICHLER & DUGGINS ON DECEMBER 23, 2016.** Director Romero seconded the motion. The **MOTION CARRIED** unanimously.

AGENDA ITEM NO. 10 – EXECUTIVE SESSION

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

Chairman Lente requested a motion to move into Executive Session.

Director Kelly **MADE THE MOTION TO MOVE INTO EXECUTIVE SESSION PURSUANT TO NMSA 1978 OPEN MEETINGS ACT (SECTION 10-15-1(H)7).** Director Romero seconded the motion.

Chairman Lente requested a roll call vote:

Vice Chairman Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Yes	Director Sichler	Yes
Director Romero	Yes		

The **MOTION CARRIED** unanimously.

Chairman Lente adjourned the meeting at 5:20 pm.

Chairman Lente reconvened the meeting at 6:20 pm.

Chairman Lente requested a motion to move back into the regular Board meeting. Director Kelly made the **MOTION TO MOVE BACK INTO REGULAR SESSION**. Director Oglesby seconded the motion.

Chairman Lente requested a roll call vote:

Vice Chairman Duggins	Yes	Director Dunning	Yes
Director Oglesby	Yes	Chairman Lente	Yes
Director Kelly	Yes	Director Sichler	Yes
Director Romero	Yes		

The **MOTION CARRIED** unanimously.

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

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

The meeting was adjourned at 6:22 pm.

Approved to be the correct Minutes of the Board of Directors of January 9, 2017.

Attested:

David M. Fergeson
Secretary/Treasurer

Derrick J. Lente, Chairman
MRGCD Board of Directors