

**OFFICIAL MINUTES AND ACTIONS TAKEN
ARCH HURLEY CONSERVANCY DISTRICT'S
BOARD OF DIRECTORS**

Tuesday, March 10, 2011

Directors Present: Larry Perkins; President, Tom Bruhn; Vice President, UV Henson; Secretary/Treasurer, Pablo Lopez, Director, John Gilbertson, Director.

**Directors/Staff
Absent:**

Staff Present: Franklin McCasland, District Manager; Craig Hoffman, Maintenance Supervisor, Donna Lafferty, Office Manager.

Guests Present: Jimmy Speed, County Clerk Ellen White, Pete Tatschl, Robert Lopez, Marsha Carra and Joe Elderete of BOR, Margaret Horner Young, Don Lopez, County Assessor Janie Murray, Jearld White, Phillip Box, Steve Peterson and Daniel (Joe) Martinez of USACE.

MEETING CALLED TO ORDER

Finding a quorum present and finding this regularly scheduled meeting of the Arch Hurley Conservancy District's Board of Directors duly advertised, as required by statute, President Perkins called this meeting to order at 9:00 a.m. in the District Office.

PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was lead by President Larry Perkins and the Invocation was given by President Larry Perkins.

**APPROVAL OF MINUTES – REGULARLY SCHEDULED MEETING
February 8, 2011**

Director Lopez made the motion to approve the draft minutes of the Arch Hurley Conservancy District's February 8, 2011 meeting. The motion was seconded by Director Gilbertson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”
Henson – “YES”

MANAGER'S REPORT

Today the Conchas Lake elevation is at 4162.3 feet. Conchas Lake received 1,299 acre feet of inflow for the month of February. Last year at this time the elevation of Conchas Lake was 4163.2 feet.

CANADIAN RIVER BASIN as of March 1, 2011

Streamflow forecasts for the Canadian River Basin range from 40 percent of average for the Conchas Reservoir Inflow to 78 percent of average near Cimarron. February precipitation was significantly below average for most of the state, with most basins receiving only 35 to 65 percent of average. The Canadian River Basin was the only area which received above average amounts, with 128 percent of average received for the month of February. Year-to-date high elevation precipitation in the Canadian River Basin remains close to average at 92 percent, down from last year's 121 percent. Snowpack in the basin is only 70 percent of average, down significantly from last year's 124 percent.

Arch Hurley has submitted for reimbursement in the amount of \$25,000.00 from the BOR. This is for the bentonite that was purchased for the first water conservation grant. Craig and Armando are cleaning out the canal above check 25 with the excavators. They will start applying the bentonite in approximately two weeks.

Last week the 2011 assessments were mailed to all Class A landowners.

On March 2nd Craig and I attended a Pesticide applicator continuing education class at Mesalands College.

It looks like at this time that John D`Antonio will continue as the State Engineer. I spoke with Greg Quartieri from District VII OSE office this week and he thought that the OSE was going to take a ten percent budget cut overall. The outlook for more staff on the ground in the OSE District 7 does not look good for the upcoming budget year.

Donna has mailed the audit contract to the NM State Auditor's office for approval of Sandra Rush CPA to conduct Arch Hurley's audit. We have not received an approved contract from the OSA for Mrs. Rush at this time.

On bad weather days the men are doing repairs to the inside of the Arch Hurley house next to the shop.

On March 3rd I received an e-mail from Suzie Cejka asking us about disposal of debris from tearing out the USGS gauging station above tunnel one. I immediately called her and questioned why and who approved this. I was informed that they were only the contractor hired by the USGS to do the job. I then called Joe Martinez and Roberta Ball at the USACE. Roberta contacted Dave Lutz from the USGS and informed them that we use this gauging station and we are willing to maintain the station. I spoke with Mark

Preciado and he said that we and the USACE already do maintain that station for the most part. If the board will remember last year at the start of the water run the contractor doing repairs for the USACE at the outlet works did not replace the transducers on the conduits that measured the water released from Conchas Lake into our canal. USACE used that station for quite a while until the flow meters were installed. Then when the lake level dropped and air was pulled through the conduits a false flow reading was given. That is whenever we found the weed in the channel plugging the inlet grates. The station was again used to determine the release from Conchas Lake. It is very critical that this gauging station stay in place for both Arch Hurley and the USACE.

When we start the water run for this year Mark and Craig will meet with Blair Stringam. Blair is a past engineer with the BOR and designed a low cost constant flow overshoot gate. He is now a professor at NMSU. We would like to build some overshoot gates in the delivery system to measure water with his help. This is a follow up from the flow measurement class that Craig and Mark attended in Denver at the BOR training and research center.

The men have finished pouring both headwalls for the Madrid Bridge. They will seal the walls with mortar and in approximately three weeks after the cement is cured we will start backfilling it with dirt.

Manager McCasland gave a power point presentation of the work and progress to the Madrid Bridge and Civic Check.

VISITORS

County Clerk Ellen White stated in her tenure as Quay County Clerk, it has been her mission and goal to ensure that all voters in the County of Quay are treated equally and fairly in every election, be it City, School, State or Independent Districts. As a result, I feel Quay County has had faultless elections and people feel their voices are heard through the electoral process.

It came to my attention several years ago by some constituents of the Arch Hurley Conservancy District that the Election Code for Board Member Elections did not allow for Absentee and Early Voting. After numerous complaints received in my office, I began to do some research and it became obvious the Election Code was severely outdated with language dating back to 1955. From the discriminatory language to the lack of transparent and efficient elections, it was obvious the Code needed some serious attention

This Board as a whole is going to have to address the issue of an outdated Election Code and how to make the upcoming Election fair and equal to the voters of your district by implementing transparent rules and regulations. The New Mexico Election Code is very clear and clean and should always be followed to the degree possible in any Election. I am willing and anxious to help in any way my office can and look forward to assisting

this Board and the staff of Arch Hurley with the District Elections as your elected County Clerk.

At this time, Director Gilbertson asked that items 8 and 9 on the agenda be switched. There was no opposition to the change, so Board compensation (8) and House Bill 358 (9) will be switched. President Perkins announced that the Board will take a recess break about 10:20 so that the Board can go into executive session and take a conference call at 10:30.

Cathering Bugg stated that she agreed with Ellen White-that our elections need to be crystal clear. The elections of Arch Hurley should move into the 21st century and early and absentee voting is not such a big question, it should be allowed even if House Bill 358 doesn't pass.

Sissy Young stated that she just retired from her town job and would like to have enough water to exist on the farm.

Pete Tatschl stated absentee voting has always been allowed at Arch Hurley. Manager McCasland informed him that absentee isn't allowed on at-large and municipal elections per state statutes. I am curious about these changes in House Bill 358. Is it still going to be a requirement that anyone who holds an elected office in Arch Hurley must live and own land within the District? Manager McCasland stated that there was no change to that requirement. I have never seen the county clerk's office be involved in our elections. I feel every board member has every right to agree or disagree-this is the right forum to bring up issues to discuss.

Don Lopez commented about the proposed changes. I had a list when I was manager of changes I wanted. The wording of wives I don't think it was discriminatory, but it is sure sexist. I am glad to see that change come about. We have always had the absentee voting, the scheduling has been a hassle. I find early voting to be convenient, no standing in line. I do not see why there is any controversy with these changes, these changes are a good thing.

JOSEPH ALDERETE

Joe Alderete stated that he approved the 25k for sodium benonite grant. We also have a Big Brother(WaterSmart or Water for America Grant) The second grant of 186K for sodium benonite, we are working on that one now. There are some funding issues which restrict me from talking about certain grants. Marsha Carra, Environmental Protection Specialist, gets involved anytime there is federal money involved, there has to be compliance requirements. Reports are written and then turned into Denver. If these reports are handled improperly, the money could be taken away. Our top priority for the next funding year is water conservation plans. WaterSmart Grants range from 50K to 300K. The limit on the Water Conservation Grant is 25K. Arch Hurley needs to have a water conservation plan. At this time Joe and Marsha left the meeting with Craig to go out in the field. Joe and Marsha returned after executive session and Joe wanted to

inform the Board that about 2 months ago Commissioner Mike Conner of BOR was looking for projects to highlight in a presentation to Secretary Salazar. I took the initiative to use the work that Arch Hurley is doing and submitted a report to Commissioner Connor and he will present it to Secretary Salazar who will present it to the next level. This work that is being done on the ground, promoting progress is what they like-work being done. I cannot guarantee more money, but it is a good stepping stone to use to get more money to Arch Hurley. It is all the way up to Washington, DC.

USACE UPDATE ON CLEANING CONCHAS LAKE AND USGS STREAMGAGE STATION

Operations Manager Steve Peterson gave an update on cleaning out the tumble weeds that are in the channel that are decreasing the flow of water into the canal. During the last 2 months, I have developed a scope of work for cleaning the weeds in the channel which includes obtaining insurance and certification to operate the crane. The estimated cost for the work is 10K. We are waiting on the budget and the budget is looking pretty tight. Maintenance Supervisor Joe Martinez explained the gate automation at the irrigation headworks, having some electronic problems that are being addressed right now and they are priority right now. The contractor trouble shot the system yesterday and got the gates and cameras working, however the electronics controlling the gates from the office still needs work. At least the gates will open and close now. Roberta Ball will give Arch Hurley the forecast, if requested.

Director Henson made the motion to assume the maintenance and liability of USGA gaging station W2003005086 above Tunnel #1. The motion was seconded by Director Lopez. Motion carried 5-0. It was stated that this station will be calibrated by USGS.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

HOUSE BILL 358

The Board had approved all of changes addressed in House Bill 358 except the Board compensation part. When a Bill is presented to the legislature, the legislature can make amendments to it and that is what happened to House Bill 358. At this time, the Bill has passed the committees and the House of Representatives side and is now on the Senate side. Manager McCasland stated that with the amount of time left for this Bill to make it thru the Senate side, it is highly unlikely that will happen. Arch Hurley should follow the state statutes and that is why they should be updated. The order for Arch Hurley to follow is State Statutes that are specific to Arch Hurley and next would be General Election Rules to the degree they apply to Arch Hurley.

EXECUTIVE SESSION

Director Bruhn made the motion to go into executive session. The motion was seconded by Director Gilbertson. A roll call was taken and each of the directors voted yes. Directors went into executive session at 10:32 a.m.

	Directors Voted:	
Perkins – “YES”		Lopez – “YES”
Bruhn – “YES”	Gilbertson – “YES”	Henson – “YES”

EXECUTIVE SESSION

Director Bruhn made the motion to come out of executive session. The motion was seconded by Director Gilbertson. A roll call was taken and each of the directors voted yes. Directors came out of executive session at 11:10 a.m. President Perkins stated that only threatened or pending litigation was discussed.

	Directors Voted:	
Perkins – “YES”		Lopez – “YES”
Bruhn – “YES”	Gilbertson – “YES”	Henson – “YES”

Director Bruhn made a motion that Manager McCasland be given a directive to continue correspondence with our legal counsel on the Skip Vernon issue. Director Gilbertson seconded the motion, voted and passed

	Directors Voted:	
Perkins – “YES”		Lopez – “YES”
Bruhn – “YES”	Gilbertson – “YES”	Henson – “YES”

HOUSE BILL 358 CONTINUED

President Perkins suggested Manager McCasland and staff to work with Ellen White, Quay County Clerk, to develop a resolution to present at the April meeting in case Bill 358 doesn't pass to adopt and approve early and absentee voting for the up-coming election. The wording needs to follow state voting statutes and to allow us to do what Bill 358 was going to do.

Director Gilbertson made the motion to direct Manager McCasland to phone Representative Dennis Roch, followed with a letter, to pull Bill 358 due to the fact it wasn't written in accordance with Board decision. Motion failed due to lack of second.

Director Bruhn requested Manager McCasland to develop resolution on early and absentee voting. Manager McCasland will get the resolution to directors about early and absentee voting at least 2 weeks before the April meeting.

COMPENSATION OF BOARD OF DIRECTORS FOR 2012 BUDGET

President Perkins made the motion to leave the monthly compensation of the directors at \$40.00 for the 2012 budget. The motion was seconded by Director Lopez. Motion carried 5-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

ARCH HURLEY’S RIGHTS-OF-WAY

The Board of Directors took no action of this agenda item. No permanent structures are to be on the right-of-way. The current policy will be enforced. Manager McCasland informed the Board that the letter about RRA certification and obstructions wasn’t included in the assessment statement.

WATER ALLOCATION

Director Bruhn made the motion that no water be allocated at this time. The motion was seconded by Director Gilbertson. Motion carried 5-0

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

BOR ENGINEERING AND O & M GUIDELINES

Included in the board packet are the BOR Engineering and O & M Guidelines for Crossings for the Board’s information and review. Also included is an application from the Gas Company to replace a 6” gas line to an 8” gas line.

BOR REQUEST TO INSPECT 5 SIPHONS

There was a request from Anthony Vigil to inspect 5 siphons. Mr. Vigil was informed by Manager McCasland that Arch Hurley is currently completing the culvert installation at Madrid Bridge. When that project is complete, there are 2 water conservation grants to

complete before a water run. Manager McCasland will keep Mr. Vigil posted on the progress of these projects.

DIRECTORS COMMENTS

Director Henson stated that the work done at the Madrid Bridge building the forms was amazing. The employees did a good job.

CONSIDERATION OF BILLS

Director Henson made a motion to pay the submitted bills. The motion was seconded by Director Bruhn. Motion carried 5-0.

Directors Voted:

Perkins – “YES”

Bruhn – “YES”

Gilbertson – “YES”

Lopez – “YES”

Henson – “YES”

ADJOURNMENT OF REGULAR MEETING-

With no further business to discuss, the meeting was adjourned at 12 noon with a unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

President Larry Perkins

ATTEST:

Secretary/Treasurer UV Henson

