

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

**Tuesday, June 8, 2021**

**Directors Present:** President Robert Lopez, Vice President Larry Perkins,  
Secretary/Treasurer UV Henson, Director Debra Mitchell and  
Director John Griffiths

**Directors/Staff  
Absent:**

**Staff Present:** District Manager Franklin McCasland and Office Manager Theresa  
Lafferty

**Guests Present:** Ellen White, Phillip Box, Margaret Young, John Gilbertson,  
Daniel Garcia, Jeff Byrd, and Ron Warnick

**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 Lopez called this meeting to order at 9:00 a.m. in the District Office.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

The Pledge of Allegiance was led by President Robert Lopez and the Invocation was  
given by Larry Perkins.

**APPROVAL OF MINUTES – REGULAR SCHEDULED MEETING  
May 11, 2021**

Director Perkins made the motion to approve the draft minutes of the Arch Hurley  
Conservancy District's May 11, 2021, regular meeting. The motion was seconded by  
Director Mitchell. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”  
Henson – “YES”

## **MANAGER’S REPORT**

Today the Conchas Lake elevation is at 4,159.8 feet. Last year at this time the elevation of Conchas Lake was 4,171.3 feet. Conchas Lake received 4,840 acre feet of inflow for the month of May. The evaporation and other losses were 2,845 acre feet. This is the first time in well over a year that the inflow was greater than the evaporation. The elevation at Conchas Lake has increased 1.30 feet since our meeting in May, however we are still 2.20 feet below the 4,162 elevation where we stop gravity flowing into the irrigation canal.

On May 26, AHCD auditor Dan Austin conducted our 2020 audit exit conference. Theresa Lafferty, UV Henson and Franklin McCasland were in attendance. There were no findings and the audit was submitted to the New Mexico State Auditor for approval. Once the audit is approved by the state, Dan will present it to the AHCD Board of Directors.

The men have been working on maintenance in the district and equip projects for landowners.

## **REVIEW CONCHAS LAKE ELEVATION AND REVIEW WATER ALLOCATION**

Manager McCasland stated that the elevation of Conchas Lake is at 4,59.8 feet. Director Perkins made the motion not to allocate any water at this time. The motion was seconded by Director Griffiths. Motion carried 5-0.

Directors Voted:

Perkins – “YES”

Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”

Henson – “YES”

## **ELLEN WHITE, QUAY COUNTY CLERK INFORMATION REGARDING HB-98 LOCAL ELECTION ACT PRESENTATION**

Quay County Clerk, Ellen White gave a presentation to board members and guest. Below is a summary of her presentation regarding HB-98 Local Election Act and how it affects AHCD. She also mentioned, how the language crafted in this law is subject to change and may be introduced again next legislative session.

### Facts to Date of AHCD Elections & HB 98

- HB 98 was adopted during the 2018 Legislative Session
- More commonly known as the “Local Election Act”, which combines all elections including schools, municipalities, colleges, hospitals, soil & water conservation districts and any other entities with taxing authority to one election in November of the odd years and conducted by the County Clerks.
- In 2019, the first Local Election was held statewide. In Quay County, every municipality, school district, hospital, college and both Canadian River and Southwest Quay Soil & Water Conservation Districts held their election. The election was conducted without any issues and was a success.
- The Local Election is paid for by the State at no cost to any district.
- Arch Hurley Conservancy District and the Middle Rio Grande District were both included in HB 98, however most of the provisions on conducting the elections for these districts were tabled and their effective date to participate was set for 2022. AHCD does not have an election slated, that will be affected by any new legislation until 2023 when the 3 District Board Members are set to be elected. Those current Board Members in Districts 1, 2, & 3 will remain on the Board until the election held in November, 2023.
- What I do know now is the District will see a change in the people who can vote. Every qualified elector (and that’s a person who would normally be eligible to vote in a General Election), that lives in the boundaries of the District will be allowed to vote. If they live in the Municipality District, they can vote, if they live respectively in District 1, 2 or 3, they can vote for that board position, and they are eligible to vote for the at large position. The requirement to own Class A Land to vote is no longer a voting eligibility. Taxation without representation is unconstitutional. The District cannot impose a tax on a person and not allow them to vote.
- In addition, it is unlawful to allow a person to have more votes based on wealth and ownership. A person cannot have more votes, based on irrigatable acres of land they own. The elections will be one person, one vote and that one person must be a resident of Quay County, live in the district that is up for election and be a registered voter.
- What is yet to be determined, is what qualifies a candidate to be a board member. One requirement is they live in the district they intend to represent, which won’t change. The part that may be in question is will that candidate be required to be a “Class A Land Owner”. I don’t have an answer to that, and I hope this Board and District Manager will have an opportunity to weigh in on that discussion when new legislation is being drafted later this summer.
- This past January, a piece of legislation was introduced, but fell short due to time restrictions and bad politics, that would have dealt with these issues for the MRG

District. Much of it could have helped Arch Hurley as well. One interesting portion of that legislation was a Hybrid Model of the Election Code allowing for the 3 District Members to be elected and then they would have the power to appoint the other 2 members, one at large and one municipal member. I expect something similar again this January with additional language specific to Arch Hurley. I anticipate a draft of legislation will be brought to Arch Hurley's Manager and Board for further discussion later this summer.

- I will tell you, the 2 soil & water conservation districts in Quay County that held their elections in 2019 were very pleased, as many of those members said they had never been officially elected. They still ended up begging people to run for a spot, and SWQ even ended up appointing members after the election, as we all know these spots on these boards are not popular and most candidates are begged to run. The conduct of the election had no impact on their members being elected.

#### **APPROVE RESOLUTION & LEGAL NOTICE 2021-005**

Director Perkins made the motion to approve Resolution & Legal Notice 2021-005. The motion was seconded by Director Henson. Motion carried 5-0.

Directors Voted:

Perkins – “YES”  
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”  
Henson – “YES”

#### **JOHN GILBERSTON-INFORMATION REQUEST ON VOTING, TAXING, AND INFRASTRUCTURE**

Mr. Gilbertson acknowledged that most of his questions had been answered in the County Clerk's presentation regarding HB-98. Quay County Clerk Ellen White and the board informed Mr. Gilbertson that not all questions can be answered at this time, because the Bill will be reintroduced in January with changes to the language. Hoping these changes will give clarity to some sections of HB-98 that were vague due to session time restrictions this past session.

The board and county clerk encouraged all to stay informed and reach out to elected representatives with their concerns regarding the changes to the Local Election Act.

### **VISITOR COMMENTS**

Mr. Phillip Box and Jeff Byrd both expressed that the election law is complicated and hard to determine if it is good or bad. Hopefully the “fine tuning” of the language in the bill will be beneficial to those with a financial interest. Both expressed concern regarding how the Bill defines a voter.

### **DIRECTOR COMMENTS**

None.

### **CONSIDERATION OF BILLS**

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

Directors Voted:

Perkins – “YES”  
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”  
Henson – “YES”

### **ADJOURNMENT OF REGULAR MEETING**

With no further business to discuss, the meeting was adjourned at 9:45 a.m. with a unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

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President Robert Lopez

**ATTEST:**

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Secretary/Treasurer UV Henson