

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

Tuesday, September 14, 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: 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
August 10, 2021**

Director Mitchell made the motion to approve the draft minutes of the Arch Hurley
Conservancy District's August 10, 2021, regular meeting. The motion was seconded by
Director Perkins. 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 4,163.2 feet. Last year at this time the elevation of Conchas Lake was 4,163.5 feet. Conchas Lake received 7,107 acre feet of inflow for the month of August. The evaporation and other losses were 2,355 acre feet.

The men are working on their maintenance repair list and spraying herbicide on the small woody vegetation. They are also cutting and treating larger trees, as well as mowing areas in the project that have a large number of weeds along the canal.

UV, Theresa and I met regarding AHCD investments. We have decided that the best return right now is another long-term annuity. We are going to deposit \$195K of Fund 3 into an annuity with Bankers Life. These funds cannot be expended until our debt with the BOR is paid off. We may invest some of Fund 2 CDs in another annuity with Bankers Life; if the current bank doesn’t want to renew CD at maturity or if Bankers Life offers a higher interest rate.

Today AHCD received a letter from the USACE regarding a draft master plan and environmental assessment for Conchas Lake. There is a 30 day comment period from August 31 to September 30. Due to the Covid-19 pandemic there will not be a public comment meeting. The email for comments and the web site to view the draft master plan is on the USACE Albuquerque District website.

The Covid virus has had an impact on a number of our employees and their family this past month. I would like to ask the board to consider a policy that would help our employees that have been vaccinated and come down with the virus.

REVIEW CONCHAS LAKE ELEVATION AND WATER AVAILABILITY

Manager McCasland stated that the elevation of Conchas Lake is 4,163.2 feet. Director Griffiths made the motion not to allocate any water at this time. The motion was seconded by Director Mitchell. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”
Henson – “YES”

REVIEW OF BOR ANNUAL CONSTRUCTION CHARGE TO AHCD

Manager McCasland reported AHCD’s annual construction payment had been submitted to BOR and we requested a current balance update after this year’s payment has been applied to the current balance.

APPROVAL TO FILE LIENS ON DELINQUENT ASSESSMENTS

Director Mitchell made the motion to start the process of filling liens on AHCD assessments that are 3 years or more delinquent. The motion was seconded by Director Perkins. Motion carried 5-0. A notification letter will be mailed out to the landowner.

Directors Voted:

Perkins – “YES”
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”
Henson – “YES”

APPROVAL OF CAPITAL OUTLAY APPROPRIATION PROJECT #21-F281 AND QUOTES FOR A COMPACT TRACK LOADER

Director Griffiths made the motion to approve capital outlay appropriation project #21-F281 to be used for the purchase of a T870 T4 Bobcat Compact Track Loader. The motion was seconded by Director Mitchell. Motion carried 5-0.

Directors Voted:

Perkins – “YES”
Mitchell – “YES”

Griffiths – “YES”

Lopez – “YES”
Henson – “YES”

LETTER FROM BOR REGARDING FEDERAL LAW AND RECLAMATION WATER TO GROW MARIJUANA

Manager McCasland provided a copy of the letter received from BOR regarding federal law and reclamation water to grow marijuana. The letter stated the US Bureau of Reclamation is subject to the Controlled Substances Act of 1970, the federal law which currently prohibits cultivation of marijuana. Below is a statement from the US Bureau of Reclamation Policy Office:

“The Controlled Substances Act of 1970 (CSA) and its implementing regulations prohibit the cultivation of marijuana, as defined at subsection 102(16) of the CSA (codified at 21

*U.S.C. 802(16)). Reclamation’s obligation as a Federal agency to uphold Federal law prohibits it from approving the use of Reclamation water or facilities to facilitate activities prohibited by the CSA that are not within a relevant exception or exemption established by Federal law. The legalization of marijuana’s cultivation under some state laws necessitates a clear statement of Reclamation’s obligations under the CSA.”
(PEC TRMR-63, Reclamation Manual)*

A copy of the BOR policy regarding federal law and reclamation water to grow marijuana will be given to all AHCD Ditch Riders. Landowners will also receive a copy with their 2022 Assessment.

VISITOR COMMENTS

There were none.

DIRECTOR COMMENTS

There were none.

CONSIDERATION OF BILLS

Director Henson made the 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 9:32 a.m. with a unanimous vote.

ARCH HURLEY CONSERVANCY DISTRICT

President Robert Lopez

ATTEST:

Vice President Larry Perkins