

**ELEPHANT BUTTE IRRIGATION DISTRICT
BOARD OF DIRECTORS MEETING
October 12, 2011**

The monthly meeting of the Board of Directors of the Elephant Butte Irrigation District was held on Wednesday, October 12, 2011. The meeting was called to order by President James Salopek on a motion by Jerry Franzoy, seconded by Scott Adams. Motion carried. Member absent was Robert Sloan.

Roll Call

EBID personnel present were Henry Magallanez, Engineering Supervisor, Zachery Libbin, Junior Engineer; Gail Norvell, Controller; Valerie Beversdorf, CR/GIS Director; James Narvaez, Hydrology Director; Delyce Maciel, HR/Safety Director; Naomi Ontiveros Executive Secretary.

Also present were Samantha Barncastle and Steve Hernandez, Law Office of Steven L. Hernandez; Dr. Phil King, Hydrology Consultant; Eric Fuchs, NMOSE; Sammy Singh, EBID Constituent; Hilary Brinegar, NM Department of Agriculture; .

Willie Koenig moved and Ramon Alvarez seconded to accept the minutes of the September 14, 2011 meeting after correction is made. Motion carried.

Minutes Approval

The calendar was discussed. Gary Esslinger advised the Board he will be attending the Rio Grande Basin Water Resources Workshop in Austin, TX from October 18th through the 20th. On November 16th – 18th himself, Steve Hernandez and James Salopek will be attending the NWRA 2011 Annual Conference in Tucson, AZ.

Calendar of Events

Non-Moratorium

License List for Special-Use-Permits for October 12, 2011 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2011-L-025 Buddy Tharp		Requested Waived
To replace, operate and maintain an existing 30" flume across the Leasburg Drain at approx. Sta# 46+00	\$1,766.67	\$1,766.67 Farm Use
2011-L-081 Billy Salopek		Requested Waived
To construct, operate and maintain a 24" CMP discharge into the Picacho Lateral at Sta# 1+00	\$1,142.44	\$1,142.44 Farm Use
2011-L-090 Katherine Hernandez		Requested Waived
To operate and maintain vehicle culvert crossing the La Union East Lateral at Sta# 170+25	\$1,566.67	\$1,566.67 Farm Use
2011-L-091 NM Gas Company		Requested Waived
To construct, operate and maintain utilities crossing the La Union East Lateral at approx. Sta# 70+00	\$2,917.67	\$2,917.67 Farm Well
Subtotal	\$7,393.45	\$7,393.45
Total Assessments		\$0.00

Moratorium

License List for Special-Use-Permits for October 12, 2011 Board Meeting

Licensee	Assessment	Fees Requested to be Waived
2011-L-093 Village of Hatch		
To construct, operate and maintain a new 4" PVC water line crossing the Angostura Lateral at Sta# 28+35	\$3,166.67	
Subtotal	\$3,166.67	\$0.00
Total Assessments	\$3,166.67	

Zachary Libbin presented to the Board the Special Use Permits for the month of October. Jerry Franzoy moved and Ramon Alvarez seconded the motion to accept the Special Use Permits. Motion carried.

Special Use Permits

Henry Magallanez gave the Board an update on the Porter Lateral deed transfer. The appraisal has been completed. Documents will be submitted to the Department of Finance & Administration (DFA) for final approval. Steve Hernandez added Mr. Vescovo is willing to convey back the Porter Lateral as long as he and the neighboring property get a road easement for a secondary road access. If that happens, Mr. Vescovo doesn't have a problem giving back the deed subject to the road easement.

Porter Lateral Update

Henry presented to the Board, Policy 1997-ENG 10 Relinquishment of EBID Property Interest for amendment. After discussion between legal, staff, and the Board of Directors Willie Koenig moved and Ramon Alvarez motioned to approve 1997-ENG 10 on the condition that all changes be made and approved by legal. Motion carried.

Policy Review

Gary Esslinger gave the maintenance update. Drain cleaning in the North area (Garfield drain) is continuing and the Ranch road pipeline is almost complete; Frank Sloan's crew was able to get eleven joints and four pipes done in one day. The pipe order has been placed for the Las Cruces Lateral and La Clinica de Familia has agreed to pay for the piping since the lateral is needed for a secondary access for fire safety. The ponding area on Seldon drain and the sub grade for the walk path at Laguna Lateral are completed. Work on the mower bid is continuing. The rotary/mulcher has been installed on EBID's excavator. Training is now needed by the manufacture before the mulcher can be used for warranty purposes.

Maintenance Department Update

Dr. Phil King gave the Hydrology report. Jova Hurricane in the Pacific looks to cause rain for Florida but won't do anything locally. The outlook seems still continue below normal. Dr. King is hopeful that next season won't get to be as bad as this season. There will be an allocation meeting at the end of October to begin planning. Dr. King expects EBID will have less than 10 thousand acft of carryover; there is yet a final number. Dr. King adds that he is currently working with James Narvaez and Valerie Beversdorf putting maps together regarding groundwater monitoring and this should be helpful as the drought continues.

Operations/Hydrology Report

Valerie Beversdorf advised the Board of two Board Maintenance Policies that will be reviewed for amendment and combined into one if possible.

Policy Amendment

Valerie Beversdorf gave CR/GIS update. She advised the Board a new copier/printer was purchased to replace the two that had been purchased in 2002. John Gregg, our Network Systems Administrator is working this week with our consultant to upgrade, update, and implement new server technology.

CR/GIS Report

Valerie discussed the Storm Water Coalition. The last meeting was held on September 15th. At that meeting signatures were collected for the JPA and members presented their ideas for projects that the coalition can work on to benefit stormwater management in the region.

Storm Water Coalition

Valerie also discussed Vision 2040. The plan has been presented to the general public and public

Vision 2040

officials at various meetings over the past few months. There was a lot of input from the public which has been compiled into a Comment Matrix document. Valerie will review the comments related to water and agriculture before the next Stakeholder's Committee meeting on October 27.

Valerie advised the Board she was selected as a Board member to represent EBID on the IBWC Rio Grande Citizens Forum. She attended her first meeting on October 6th where they had presentations to inform what is currently going on regarding the river between Caballo and El Paso. The group will be meeting quarterly.

Delyce Maciel gave the HR/Safety update. The current employee count is 86 with no other pending retirements planned. EAC met on September 19th and the new members were introduced. The general meeting planning was held on October 11th at 8am and it was decided it will be held at Lorenzos in Old Mesilla; EAC is still working on the agenda. The next regular scheduled EAC meeting is scheduled for December 12th at 8am. Delyce advised the Board the water trailer is continuing to be worked on; all departments are helping with Hydrology assisting as well. Safety training is 65 percent complete for employees with the safety year ending on May 31, 2012. Safety Counseling is planning a trenching & excavation training for October 27th to be held in our office for the District and other municipalities. Delyce adds that she will be attending a Leadership conference for Society of Human Resource Management (SHRM) in Washington, DC from November 16th – 20th. Delyce is on the board so all cost will be paid by SHRM.

HR/ Safety
Report

Gail Norvell presented to the Board the financial reports for the Month of August 2011. Cash in the bank is \$380,999, assessments receivable is \$489,377 and investments \$3,944,816 for a total increase of \$1,459,891 over September 2010. Grant projects are on going.

Controller
Report
Financial
Fact Sheet

Gail Norvell presented to the Board Resolution 2011-17 Amended Budget Adoption Fiscal year 11/01/10 to 10/31/2011 and permanent transfer of funds. Robert Faubion moved and Scott Adams second to approve Resolution 2011-17. Motion Carried.

Resolution
2011-17

Gail also presented to the Board the results of the PERA election that was held on October 5, 2011. With a total number of eligible employees to vote of 84, votes cast for coverage was 76 with 4 against and 4 employees that did not vote. All eligible PERA employees will be covered in PERA Municipal Plan II. It will take into effect beginning November 1, 2011. Gail advised the Board there are a few employees that are still currently participating in the ICMA Plan and asked for approval to increase this plan to match PERA contribution. After several discussions Robert Faubion moved and Willie Koenig motioned to decline to increase the percentage for the ICMA Plan employees. Motion carried.

PERA
ELECTION

The Board heard discussions by legal and staff regarding purchasing Title Insurance for the property acquired by Mesilla Bason would be available. Willie Koenig motioned and Scott Adams second to purchase title insurance at a cost of \$3,117.00.

Gary advised the Board of the Growers meetings to be held on November 1st in Hatch at the Hatch Community Center, November 7th at the Mesilla Valley Days Inn and November 8th in Anthony at the Anthony Country Club. Topics to be discussed will be the weather forecast, Stream System 101, The NM AG vs. BOR lawsuit and other farmer services that are available through the District. Gary also adds the Districts general meeting will be held on November 10th at Lorenzos.

Managers
Update

Gary announced Board members in Precincts 1, 3, 5, 7 and 9 are up for election and the election will be held on December 6, 2011. Gary also advised the Board the December Board meeting needed to be moved from Wednesday December 14th to Monday December 12th due to election requirements for canvassing votes. Robert Faubion moved and Scott Adams second the motion to move December Board meeting to be held on December 14th to December 12th. Motion carried

Steve Hernandez and Samantha Barncastle reported on legal matters.
– LRR 302 – City of El Paso/Montoya Drain. Open- SAH

Legal
Update

- LRR 303 – Hatch Easements. Open -SRB
- LRR 323 - Policies, Relinquish of Easement and Excess of Real Property. Open-SRB
- LRR 342- Protest to DAC and Verde Realty Water Rights Apps, Reopen-LEP
- LRR 345 – Lack/EBID Land Exchange and Flow Easement. Open-LEP
- LRR 351 - Request to realign ROW boundaries, Stahmann. Open-SAH
- LRR 359 – LRG MD Surface Water Treatment Facility Proposed Plan. Open-BJS
- LRR 365 - Assessment Roll Reconciliation. Open-SRB
- LRR 367 – Sierra County Communication Tower on Caballo Mountain MOA. Open-LEP
- LRR 379- Grey Fox Subdivision Special Use Permit- Open-SRB
- LRR 381- Federal Screening thru the BOR- Open

LRR
Report

Jerry Franzoy moved and Willie Koenig seconded to go into closed session to discuss legal matters. Motion carried. Pursuant to Section 10-15-1-h, NMSA of the New Mexico Open Meetings Act, the following topics shall be discussed in closed session:

Open/
Closed
Session

State ex. rel. D'Antonio vs. EBID CV 96-888 (Stream Adj.)

- SSI 101-CIR/FDR
- SSI 103-Domestic Wells
- SSI 104-US Project Water Right
- SSI 105-Expedited Inter Se-Boyd Claims
- Threatened Litigation Regarding Operating Agreement

LRR 342/ Matter 150-2nd EBID Protest to Verde Realty Operating Partnership Application
LRR 358/ Matter 151-EBID Protest to City of Las Cruces Well Application- LRG 430-S-36
and LRG 5818

Matter 155- EBID Protests to County of Dona Ana Applications LRG 3150 B and LRG 9356

Matter 154- Estate of Stacey J. Williams v. EBID and F. Calderon; CV 2010-2899

AWRM Appeal to Supreme Court

There being no further business, Jerry Franzoy moved and Scott Adams seconded to adjourn the meeting. Motion carried.

Adjourn

The next meeting of the Board of Directors will be held on Wednesday, November 9, 2011.

JAMES SALOPEK, President

WILLIE KOENIG, Secretary