



**MINUTES OF THE REGULAR MEETING
February 11, 2011**

Supervisors Present: Felipe Lovato, Jr. – Chairman
Jerry Melaragno
J. Brian Greene
Richard Shovelin
LeRoy Candelaria
Dan Williams

Absentees: William Caster

Others Present: Dierdre Tarr, District Manager
Louis King, District Conservationist, Natural Resources
Conservation Service (NRCS)
Kenneth Lujan, Soil Conservationist, NRCS
Katheryn Taylor, District Volunteer
Roy Todd, Field Specialist, New Mexico Department of Agriculture
(NMDA)
Katie Mechenbier, Field Specialist, NMDA

CALL TO ORDER:

The Claunch-Pinto Soil and Water Conservation District (CPSWCD) regular meeting of the Board of Supervisors was called to order by Felipe Lovato, Jr., Chairman, at the Mountainair United Methodist Church, Fellowship Hall, located at the corner of Sunset and Third Street in Mountainair, NM at 8:17 a.m. Chairman Lovato welcomed those present and thanked them for taking the time to attend the meeting.

Welcome Guests:

The Chairman introduced new NMDA Field Specialist, Katie Mechenbier to the Board.

ABSENTEES:

William Caster

APPROVAL/DISAPPROVAL OF AGENDA:

The Board reviewed the agenda. **ACTION TAKEN:** Richard Shovelin moved to approve the agenda as amended – page 2: **ADJOURN: Meeting dates:** change 2010 to 2011. Jerry Melaragno seconded the motion. Motion carried. Vote was unanimous.

APPROVAL/DISAPPROVAL OF MINUTES -- REGULAR MEETING:

ACTION TAKEN: Jerry Melaragno moved to approve the minutes as amended. Page 4, paragraph 5: change SWCD to SWCA. Brian Greene seconded the motion. Motion carried. Vote was unanimous.

APPROVAL/DISAPPROVAL OF MINUTES – EMERGENCY MEETING:

ACTION TAKEN: Richard Shovelin moved to approve the minutes as amended. Jerry Melaragno seconded the motion. Motion carried with one abstention. Page 2, last paragraph: change first sentence from: “He also mentioned that ETSWCD will have to issue 1099s to land owners who received incentive payments.” to “He asked if ETSWCD would have to issue 1099s to landowners who received incentive payments.” Change third sentence from “When to If. Page 4, first motion – change “Motion carried” to “Motion carried. Vote was unanimous.” Page 4, second motion – change “Motion carried. to “Motion carried. The vote was unanimous.”

RATIFICATION OF DECISIONS MADE AT EMERGENCY MEETING on 01/20/2011:

The District Manager reported that she had consulted with Justin Woolf, Assistant Attorney General on the legality of the Emergency Board Meeting held January 20, 2011. Mr. Woolf said that in his opinion, the meeting was legal. Discussion followed on the need to review the District’s open meetings policy to make it congruent with State law. **ACTION TAKEN:** Richard Shovelin moved to ratify the motions made at the Emergency meeting on 01/20/2011. Jerry Melaragno seconded the motion. Motion carried with one nay.

TREASURER'S REPORT AND APPROVAL/DISAPPROVAL OF VOUCHERS:

The District Manager presented the Treasurer's Report for the month of January, 2011 with the accounts payable for January, 2010. Memo entry -- “gas for chipper” will be changed to “fuel for chipper.” 40250.1 Checking Account Interest entered as -3.22 will be entered as a deposit. The District Manager was asked to look into whether a maintenance contract for major repairs would save money for the District and to bring back information at the next meeting. Discussion followed regarding landowners’/ contractors’ treatment of the chippers and their responsibilities for damages. It was suggested that rental contract language be clarified to reflect responsibilities for taking care of the chippers and consequences for neglect or damage. **ACTION TAKEN:** Richard Shovelin moved to accept the report as amended and pay the accounts payable. Brian Greene seconded the motion. Motion carried. Vote was unanimous. A copy is attached.

OTHER FINANCIAL MATTERS:

The District Manager reported that the District auditor is working on the 2010 audit.

REPORTS:

New Mexico Department of Agriculture (NMDA) Report:

Roy Todd, Field Specialist, New Mexico Department of Agriculture (NMDA) noted that the date of the Employees Association meeting in Edgewood is March 29, not March 28. He mentioned that training on filling out both DFA quarterly reports and budgets is needed. He also called attention to the 2011 IRS mileage rate allowable for SWCDs and to the NRCS Partner Meetings. He then distributed a flyer for the "Southern New Mexico Feral Hog Symposium" to be held on February 18 from 9 a.m. to 1 p.m. at the Lincoln County Fairgrounds in Capitan.

Mr. Todd reported on possible State legislation that would add language giving the State the power to withhold funds from State agencies, cities, towns, villages and other entities that don't comply with State law requiring an annual audit. The District Manager pointed out an article in the Board packet that reports on the problem: "Despite auditor's plea, panel OKs budget cut" by Trip Jennings.

(The written report is attached.)

NRCS Field Office Report:

Louis King, District Conservationist presented the NRCS Field Office report to the Board. He reported that he spent half his time in January working as the acting District Conservationist (DC) in the Estancia NRCS office. Kenneth Lujan, NRCS Soil Conservationist held down the fort in Mountainair during this time.

He announced a meeting in Edgewood on February 24, hosted by NMACD for NRCS and partners regarding Farm Bill issues.

(The written report is attached.)

District Manager's Report:

The District Manager highlighted the meetings that she had attended.

She was asked by Supervisor Shovelin to attend the Mountainair Beautification Committee meeting on January 27. The committee is a subgroup of the Chamber of Commerce. The group brainstormed on possible activities. Claunch-Pinto was asked to be available for technical support.

The District Manager announced that a gardening workshop on tree pruning would be held on February 15 at 6:00 p.m. at the Ancient Cities Café.

The District Manager circulated a flyer advertising a Mountainair Farm and Garden Market to begin in June in downtown Mountainair. She said that the sponsoring group has asked the District to help compile a list of local producers/ growers and to help to publicize the Market in the District's newsletter. The District has not been asked to contribute either money or space to the project.

(The written report is attached.)

CORRESPONDENCE:

The correspondence was reviewed with the Board.

- The District Manager reviewed NMACD's response to Edgewood SWCD Chairman David King's letter to NMACD regarding Edgewood's concerns.
- The District Manager noted the flyer announcing the Partners Forum to be held on February 24 in Moriarty at the Edgewood SWCD Office. She asked for confirmations of attendance by Board members.
- She pointed out the email from Debra Hughes, NMACD Executive Director announcing the Soil and Water Conservation Day at the Legislature scheduled for March 9, 2011.
- The "Noticias de las Acequias" newsletter was circulated.
- The article by Trip Jennings, "Despite auditor's plea, panel OKs budget cut" was reviewed: small entities have difficulty affording annual audits and the Office of the State Auditor must monitor the audits, a problem if the Office's budget is cut.
- An email from State Senator Pete Campos, "Transparency is government's duty" was distributed.
- An email from NMACD Executive Director regarding State legislation was pointed out.

PERSONNEL MATTERS:

No report.

UPDATE ON GRANTS:

The District Manager reported on grants listed below, meetings attended, progress on projects, status of proposals to funding agencies, and RFPs issued by funding agencies for 2011.

- EBWHRM Project– Water Trust Board –

East Torrance SWCD Incentive –

The Board reviewed letters from Ryan Schwebach, Chairman of ETSWCD and from JulieAnne Leonard, CPSWCD Legal Counsel. Discussion followed on Ryan Schwebach's request to release funds for technical fees, to release 2009 funds, and to amend contracts to pay land owners from different grants. The District Manager explained that time is running out for disbursing funding, so Mr. Schwebach's requests cannot be implemented. She said that she is working with Vern Kohler, Edgewood's District Manager and Field Technician to ensure that the grant money will be spent on time.

Mr. Candelaria asked what reasons land owners give for requesting extensions, whether the reasons are appropriate and what consequences exist for not finishing a contract on time. State Forestry has requested that contract language should be tightened up. Suggestions were made on possible modifications to the contracts.

ACTION TAKEN: Richard Shovelin moved that a letter from the District Chairman be drafted in response to Ryan Schwebach's letter and distributed to the Board for review. Leroy Candelaria seconded the motion. Motion carried. Vote was unanimous.

RFP – Monitoring Program – Estancia Basin Water Planning Committee

The District Manager reported that she had written a proposal with David Lightfoot, SWCA Senior Biologist for the well monitoring project. However, they found out that a subcontractor could not be hired. Since the plan was to subcontract with SWCA to do the work, the proposal was abandoned. SWCA could not submit a proposal on its own because a condition in the RFP stated that the applicant had to have a prior relationship with the Estancia Basin Water Planning Committee and SWCA did not have a prior relationship.

Thinning on Monitoring Sites -- CPSWCD

Thinning has been completed on monitoring sites but inspection has not yet taken place.

- Non Federal Land (NFL) Proposal
 - New funds for NFL in the amount of \$261,000 will become available from the New Mexico State Forestry for the southern part of the District for removing dead Salt Cedar. The District Manager is working with Lawrence Crane from State Forestry, Department of Transportation and railroad officials on a possible match for the funding. A match is not required but would benefit the District for future proposals.
- Wildland Urban Interface (WUI) Proposal
- Greater Rio Grande Watershed Alliance aka Upper Rio Grande Salt Cedar Project –
A technical committee has been established with representatives from the NM Watershed office, NMDA, the Environmental Department, the Forest and Watershed Restoration Institute, and New Mexico Game and Fish. The committee representatives are in the process of looking at projects. A conference call will take place to discuss how to distribute funding to maximize its impact.
A presentation board for the Alliance will be set up at either Ag Day at the Legislature in Santa Fe or during Rio Grande Days.
Tree seedlings have been ordered to give away to fourth graders in Corona and to the legislators' secretaries on behalf of the Alliance.
- New Mexico Environment Department (NMED) – River Ecosystem Restoration Initiative
- Central New Mexico Cooperative Weed Management Area (CNMCWMA):
The District Manager reported that she and Brenda Smythe, District Manager of the Edgewood SWCD finished the budget of about \$15,000 to submit to New Mexico State Forestry. The Edgewood SWCD will be the fiscal agent.
- Collaborative Forest Restoration Program
 - Ojo Peak Restoration –
This project will begin after the snow melts.
 - Red Canyon Project –
Brent Racher has brought in equipment to start work on thinning with the crew from the monitoring sites.

New Proposals:

- Government Service Fund – DFA
- NM State Forestry – Wildland Urban Interface
- 2010 Proposals to NM Water Trust Board:
- FY2011 Appropriations Request to U.S. Senators Bingaman and Udall
There is no new information.

UNFINISHED BUSINESS:

Future Directions Committee – Property, Loan, Grant, Capital Outlay Monies

Capital Outlay Funds:

The District Manager reported she had been asked for a report on capital outlay funds by Cheri Lujan from State Senator Campos' office and that she had submitted it with a copy to Senator Campos and to State Representative Rhonda King.

GSA Solicitation Package:

The District Manager reported that she had heard from Malik Harris of Jones Lang LaSalle Americas Inc. regarding the status of the proposal. He told her the amounts for shell space, operating expenses, and building maintenance were too high and needed to be revised. The District Manager suggested that the Building Committee meet with the District Architect to discuss possible changes in the proposal to reduce costs. Richard Shovelin, Dan Williams, and Jerry Melaragno will be members of the committee.

Site Preparation Work:

SWCD Mil Levy Authority:

The District Manager referred to the letter from Justin R. Woolf, Assistant Attorney General to Larry Winn, Chair of the Soil and Water Conservation Commission stating his opinion that a county government does not need to inform or obtain consent from a soil and water conservation district when it issues industrial revenue bonds under the County Industrial Revenue Bond act. She said that she is working with State Representative Rhonda King's office on a change in the statutes that would require participation of Soil and Water Conservation Districts when counties are negotiating industrial revenue bonds. She also mentioned a resolution passed by the Cattle Growers Association that supports such a change. The District's Counsel has been in contact with State Representative Cook from Lincoln County who wants to co-sponsor legislation on this issue.

NEW BUSINESS:

Payment of Dues to NMACD

Richard Shovelin expressed his concerns about the lack of benefits that the District obtains from membership in NMACD. Discussion then took place on possible ramifications of not paying dues, on whether the District would drop out of NMACD and on the purpose of the organization. Jerry Melaragno stated his preference for working within the system to make changes.

ACTION TAKEN: Richard Shovelin moved to cease paying dues to NMACD for a year. LeRoy Candelaria seconded the motion. Motion carried with three ayes and two nays.

Letter Concerning 218 Agreement for Social Security

The Board discussed the letter to the District from Mary Frederick, Social Security Administrator for the State of New Mexico. In the letter, Ms. Frederick states that the District does not have the authority to withhold Social Security taxes. The District Manager explained how the District began to withhold Social Security Taxes. Discussion followed on possible effects on employees, on the options presented in the letter and on getting reimbursement for Social Security contributions. **ACTION TAKEN:** Richard Shovelin moved that the District should discontinue withholding Social Security taxes. LeRoy Candelaria seconded the motion. Motion carried. The vote was unanimous. The District Manager will look into the effects on temporary employees.

Approval of Mileage Rate: ACTION TAKEN: Richard Shovelin moved to follow statutory regulations regarding the approved mileage rate, which is established through the Mileage and Per Diem Act and based on the January IRS rate for the previous year. Dan Williams seconded the motion. Motion carried. The vote was unanimous. Wording in the District's Personnel Handbook needs to be changed in accordance with this motion.

Appoint Budget Committee for FY2012 Budget:

Richard Shovelin and Jerry Melaragno agreed to serve on the FY2012 Budget Committee.

REPORTS:

Hub Resource Conservation & Development (RC&D):

No Report.

South Central Mountain RC&D:

Brian Greene reported a telephone conference would take place the following Thursday.

Estancia Basin Water Planning Committee (EBWPC):

Brian Greene reported the Committee has begun to review the proposals for the monitoring grants.

ASSOCIATE SUPERVISOR INPUT:

OTHER:

MEETINGS ATTENDED:

PLAN FOR NEXT MEETING: Action Plan

A new open meetings resolution will be reviewed for approval at the next meeting.

Mr. Todd suggested that the Action Plan could be reviewed following the next Board meeting. The District Manager said that the Budget Committee could then work from the Action Plan.

NEXT MEETING SCHEDULED:

The next regular meeting will be held Friday, March 4, 2011 at 8:00 a.m. at the Mountainair United Methodist Church Fellowship Hall, located at the corner of Sunset and Third Street, Mountainair, New Mexico.

ADJOURN:

There being no further business to come before the Board. **ACTION TAKEN:** LeRoy Candelaria moved to adjourn the meeting at 11:50 a.m. Jerry Melaragno seconded the motion. Motion carried.

FELIPE LOVATO, JR., CHAIRMAN

RICHARD SHOVELIN, SEC. – TREAS.