

Elephant Butte Irrigation District
Board of Directors' Meeting
September 8, 2021
08:15 am

Duration-From/To	Item # - Item Description	Presenter	Page
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OEPN SESSION REGULAR SCHEDULED BOARD MEETING

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| 0815 | 0820 | <ul style="list-style-type: none"> 1. Pledge of Allegiance 2. Invocation 3. Roll Call & Mtg called to order | |
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PURSUANT TO SECTION 10-15-1-H, NMSA OF THE NEW MEXICO OPEN MEETINGS ACT, THE FOLLOWING TOPICS SHALL BE DISCUSSED IN CLOSED SESSION:

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| 0820 | 0900 | 4. Limited Personnel Matters | |
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OPEN SESSION REGULAR SCHEDULED BOARD MEETING

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| 0900 | 0915 | <ul style="list-style-type: none"> 5. Introduction of Guests 6. Approval of Board minutes 08/11/2021 7. Calendar of Events |
3
5 |
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	<u>09/01/2020</u>	<u>09/01/2021</u>
Elephant Butte	106,454	104,780
Caballo	<u>32,530</u>	<u>13,527</u>
Total Storage	138,984	118,307

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| .30 | 0915 | 0945 | <ul style="list-style-type: none"> 8. Water Resource <ul style="list-style-type: none"> A. Weather/Runoff Forecast | P. King/J. Narvaez |
| .30 | 0945 | 1015 | <ul style="list-style-type: none"> 9. Engineering/Maintenance <ul style="list-style-type: none"> A. Monsoonal Storms and Flooding Update B. Special Use Permits <ul style="list-style-type: none"> 1. 2021-L-033 Brennen Jeffers, Big Star Hardware 2. 2021-L-034 John Clayshulte, Clayshulte Brothers 3. 2021-L-035 Muncreif & Garcia C. Request for initial consideration of relinquishment of a portion of the West Drain by Mr. Abercrombie D. Request for initial consideration of relinquishment of a portion of the Leasburg Drain by Ms. Porter E. Kinder Morgan Update F. TX v NM Special Master Tour Update |
Z. Libbin/ L. Barrett

7

19
22 |

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| .15 | 1015 | 1030 | <ul style="list-style-type: none"> 10. General & Administrative <ul style="list-style-type: none"> A. Financial Report | G. Norvell |
| 15 | 1030 | 1045 | <ul style="list-style-type: none"> 11. Managers Update <ul style="list-style-type: none"> A. Discussion regarding changes to voting procedures for EBID Elections B. Discussion regarding raising extraordinary funds for improvements to EBID system and/or purchase of equipment C. EBID Comments re WOTUS re-write |
G. Esslinger

26 |

STAFF REPORT

- | | | |
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| 1. | HR/Safety Update | 32 |
| 2. | Legislative Update | |
| | A. Family Farm Alliance Monthly Briefing | 33 |

OPEN SESSION SUSPENSION AND TRANSFER HEARING

Voluntary and Involuntary Suspension of 51.69 acres total	46
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PURSUANT TO SECTION 10-15-1-H, NMSA OF THE NEW MEXICO OPEN MEETINGS ACT, THE FOLLOWING TOPICS SHALL BE DISCUSSED IN CLOSED SESSION:

Motion to go into CLOSED SESSION

- 2.00 1130 0130 14. Legal Update -S. Salopek/ G. Esslinger
- A. Texas v. NM (USSC)
 - B. Rodriguez v. DACC, D-307-CV-2019-02775
 - C. Discussion regarding purchase, acquisition, or disposal of real property or water rights
 - D. Potential/threatened litigation
 - E. Discussion regarding all pending Water Right Protests before the Office of the State Engineer
 - F. Motion to come out of closed session

In accordance with the Elephant Butte Irrigation District resolution directing compliance with Open Meetings Act, a final version of the agenda will be available 72 hours in advance of the meeting at the EBID office at 530 S Melendres, Las Cruces, NM; and will be emailed to persons making a specific request for the final agenda by calling EBID's office 575-993-2429.

2009-ADMIN 9

POLICY SUBJECT: Implementation of Rules of Conduct for Public Meeting and Participation Policy

DATE APPROVED: SEPTEMBER 9, 2009

POLICY:

WHEREAS Elephant Butte Irrigation District (District) has adopted Resolution 2009-1 pursuant to Section 10-15-1(D) of the Open Meetings Act where the Board of Directors annually determines what constitutes reasonable notice of its public meetings;

WHEREAS paragraph 9 of said Resolution sets forth that requests to place items on the agenda from the constituency or public must be made in writing to the manager at least five days prior to a regularly scheduled meeting. Said requests shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda;

WHEREAS paragraph 9 of said Resolution also limits presentations to five minutes unless further time is allowed by a majority vote of the Board;

WHEREAS paragraph 10 of said Resolution allows the Board to adopt at each meeting, depending on the circumstances, rules necessary to conduct said meeting in a way to maintain public order, including but not limited to the removal of persons who are disruptive; and

WHEREAS paragraph 10 of said Resolution also allows the Board to limit or not allow public debate and may take whatever steps are necessary to maintain public order.

NOW THEREFORE, the Board adopts these rules pursuant to paragraph 10 of its Open Meetings Act Public Meeting and Participation Policy.

1. There is no right to comment by the constituency or public on any agenda item at regularly scheduled board meetings. At the discretion of the majority of the Board, members of the constituency or public may comment on a specific agenda item subject to the following rules:
 - A. A three minute comment time shall be imposed unless further time is allowed by a majority vote of the Board.
 - B. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
 - C. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
 - D. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
2. Requests to place items on the agenda for regularly scheduled board meetings from the constituency or public are subject to the following rules:
 - A. The request must be made in writing to the Manager at least five days prior to a regularly scheduled meeting.
 - B. Said requests shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda.
 - C. Presentations shall be limited to five minutes unless further time is allowed by a majority vote of the Board.
 - D. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
 - E. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
 - F. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
3. If a member of the constituency or the public has failed to make a request to place an item(s) on the agenda in writing to the Manager at least five days prior to a regularly scheduled meeting, the following rules apply:
 - A. The Board shall not grant the request at a regular board meeting unless said request is allowed by a majority vote of the Board.
 - B. In making a request to place an item on the agenda, the requestor shall specify the topic to be discussed in detail and identify the person and/or group requesting time on the agenda.
 - C. If the request is granted, presentations shall be limited to five minutes unless further time is allowed by a majority vote of the Board.
 - D. A member of the constituency or the public that is allowed to speak shall limit the remarks to that issue specifically identified or shall forfeit their time to address the Board.
 - E. A member of the constituency or the public that is allowed to speak shall treat all persons present with dignity and respect and may provide factual information and recommendations in verbal and/or written form.
 - F. The Board President shall have authority to ask the Manager to remove persons who are disruptive at the meeting.
4. This policy shall apply to all subsequent renewals of the District's Public Meeting and Participation Policy.