

**ELEPHANT BUTTE IRRIGATION DISTRICT  
SPECIAL BOARD OF DIRECTORS MEETING  
March 29, 2023**

A Special Board of Directors meeting of the Elephant Butte Irrigation District was held on Wednesday, March 29, 2023. All Board members were present.

Roll Call

EBID personnel present were Director of Finance Karin Byrum, Executive Assistant Naomi Ontiveros, James Narvaez, Director of Irrigation Systems; Delyce Maciel, Director of HR/Safety; Ana Donohue, Land Records & ROW Supervisor; Erik Fuchs, Director of Groundwater Resources. Samantha Salopek, Salena Ayoub, EBID Counsel; Dr. Phil King, EBID Consultant via weblink.

EBID guests present were Ruben Quiroga, Jack Deputy, Willie Koenig, Jr., Teresa Daviet, Mike McNamee, Sal Nunez, Sam Calhoun, Tracy Esslinger; EBID members.

The Invocation was given by Joe Paul Lack followed by the Pledge of Allegiance led by Frank Paul Salopek.

Duane Gillis advised the Selection Committee's proposed Appointee/Board Candidates are present, and they are Tracy Esslinger, Sal Nunez and Sam Calhoun. All candidates introduced themselves to the Board and guests.

James Salopek moved, and Joe Paul Lack seconded to appoint Mr. Sal Nunez, precinct 9, Ms. Tracy Esslinger, precinct 6, and Mr. Sam Calhoun, precinct 8. Motion passed. Greg stated that under these emergency circumstances, with the present vacancies of three Board members from the Board of Directors, the agenda shall be modified to provide for seating the present candidates immediately to ensure governance of the District remains on track going into this year's irrigation delivery season, and all three newly appointed board members took the oath of office. Counsel was directed to notify the Attorney General of the emergency circumstances and action taken.

Appointment  
Oath of Office  
P6,8,9

Legal Counsel Salena Ayoub advised at this time there is no current update regarding the search for a head-hunting firm to conduct the search for a new manager.

Selection  
Process  
New  
Manager

Greg advised the management committee continues to meet with Senior Leadership to assist any issues that may arise that cannot be resolved in their entirety internally among Senior Leadership. Growers' meetings were held in Hatch, EBID (Central) and Anthony. Handouts were provided for the farmers, which worked well because they had something in hand they could take and provide to fellow farmers who were unable to attend. Discussions were held regarding ideas for the infrastructure planning, how things are going and concerns from employees on what has been going with the District.

Dr. Phil King next provided an update from the management committee. He advised discussions at the grower's meetings included the initial release date earlier than June 2<sup>nd</sup> for the 2023 irrigation season; EP#1 has suggested a release date of May 12<sup>th</sup>. Dr. King requested guidance from the Board on the initial release for the District. Dr. King continues to work with the engineering department and the application to IBWC for the Hayner cable has been sent. Interviews for the Director of Engineering will be done on Friday, March 31<sup>st</sup>.

Managemen  
Committee  
Update

Samantha next provided an update from the management committee. She advised ditchrider positions are being filled but there remains concern with the possibility of releasing irrigation water earlier than June since not all positions are filled. Samantha asked James to provide a more specific update to the Board. James stated there were 8 ditchriders needed with 1 being hired, 4 interviews scheduled, and 2 more applications received. James advised that while discussion with EP1 had been limited during the maintenance season, discussion are again occurring and James will begin being out in the field more to prep for the irrigation season. Samantha advised that the south watermaster raised concerns in a staff meeting earlier this week regarding ditchrider issues, and had ideas regarding how those issues could be resolved, but he has expressed an interest in staying out in the field and declined the offer of the Board and Management Committee to discuss his ideas with the Board. Importantly, his primary concern and idea was that SCADA should be helping run water if ditchrider positions are not fully filled in time for water delivery season or during the season if water masters are short staffed. Based upon this idea, Samantha and Dr. King believe there is a consistent lack of understanding of what the SCADA department does, and what those employees need to be doing. Dr. King pointed out that the SCADA department are key in tracking where the water is, how much, and where to move the water, which is especially important in times of shortage. Samantha stated that there needs to be a better messaging and education for the farmers and employees on what SCADA does for the District. James assured the Board he will be ready to run water when they are, and efforts to hire and train ditchriders are priority at this time.

Next, Karin presented her concerns on the budget for the current fiscal year. There is \$1.6 million in reserves which will be a 2-month reserve. The budget for the year was budgeted down to use everything. Audit, legal, consulting are consistently over budget and the largest in budget expenditures. Karin conservatively estimates \$502,000 is needed to get through the rest of the year, and she suggests that a budget shortfall is inevitable. She suggests some alternative to help with the costs such as: pulling money out of reserves, sell property or equipment, apply for line of credit/borrowing, and a supplemental assessment for this year (est. \$8-\$10), or any combination of those. Karin requests direction from the Board. James advised at one time there was a legal fee added to the assessment to help with costs. Board member Tracy Esslinger asked if funds from grants can be used to fill in any grants. Samantha advised the BOR grant funds can only be used specifically for each particular grant project they are associated with. Steve Lyles requested that Karin prepare a presentation showing what each department costs per acre, which will help farmers understand the costs. Karin advised that with the current software that request may be impossible to achieve that specifically and would be time consuming but options for such a breakdown exist and she will begin working on the request.

area of  
deficits

Samantha advised her, Karin and Leah met with the BOR regarding EBID's charges for each year. The BOR charges EBID for the operation of the facilities they own, charges are only a percentage between the districts. This coming fiscal year is expected to be an estimated \$100,000 lower in costs. Samantha further advised that additional information on this year's charges will be coming from BOR soon.

Samantha stated at the north and central growers' meetings there were no issues, feedback or concerns received. The south growers' meetings had multiple questions regarding qualifications of Board Members, appointment of Board Members, EBID's election process, quorum requirements for the time when there are only 6 board members seated, comments and questions regarding MRGCD water use and infiltrations and recharge of wells in the south valley. Samantha also stated she was concerned that many of the questions and concerns raised were more personal and directed at her individually. Greg Daviet advised the Board of



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Directors is available to receive any input from the farmers, but he warned there will be no toleration of threats to staff and consultants and appropriate action will be taken for any such improper activity. Samantha stated the public face of EBID does need help and the public perception needs to be corrected as many of the ideas the public is basing their anger on are misconceptions of the truth. She has requested the Board to try and get actual feedback from the farmers to help resolve the unnecessary anger.

Greg advised in the coming months there will be multiple meetings a month while the Board deals with some of the very difficult issues facing the District. The next board meeting agenda will begin discussions on a Board presidency, and continue discussion on Manager selection, policy overhaul matters, EBID's organizational structure, finance/budget solutions, and additional access to Board Meetings.

Duane Gillis reiterated to the guests in the room that he and the other Board members hope to see a Board and farmers who are unified and can come together for the better of all farmers.

Frank Paul Lack moved, and James Salopek 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 were discussed in closed session: TX v NM (USSC).

James Salopek moved and Steve Lyles seconded to go out of closed session.

There being no further business Joe Paul Lack moved and Tracy Esslinger seconded to adjourn the meeting. Motion carried.



Greg Daviet, President

Frank Paul Salopek Secretary

Closed

Adjourn