



Agenda

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SANTA FE RIVER COMMISSION

Tuesday, July 19, 2011, 6:00 – 8:00 p.m.

City Councilors' Conference Room, City Hall

200 Lincoln Ave, Santa Fe, New Mexico 87501

505.955.6840

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES FROM May 17, 2011 and June 21, 2011
4. DISCUSSION/ACTION ITEMS
 - a. River Commission review and discussion regarding the drafting of the proposed administrative procedures and the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir (Brian Drypolcher)
5. MATTERS FROM COMMISSIONERS, MATTERS FROM SUB-COMMITTEES
6. MATTERS FROM STAFF
7. CITIZENS COMMUNICATION FROM THE FLOOR

ADJOURN

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**Index Summary of Minutes
Santa Fe River Commission
July 19, 2011**

INDEX	ACTION TAKEN	PAGE(S)
Cover Sheet		1
Call to Order	The meeting was called to order by the Chair at 6:00 pm in the City Council Conference Room. A quorum was declared by roll call.	2
Approval of Agenda	<i>Mr. Ellenberg moved to approve the agenda as presented, second by Mr. Bove, motion carried by unanimous voice vote.</i>	2
Approval of Minutes <i>May 17, 2011 and June 21, 2011</i>	<i>Mr. Ellenberg moved to approve the minutes of May 17, 2011 as presented, second by Mr. Bove, motion carried by unanimous voice vote.</i> <i>Mr. Ellenberg moved to approve the minutes of June 21, 2011 as presented, second by Ms. Romero-Pike, motion carried by unanimous voice vote.</i>	2
Discussion Items a. River Commission review and discussion regarding the drafting of the proposed administrative procedures and the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir. (Brian Drypolcher)	Action: To meet with the City Attorney to discuss language. Sub-Committee created – Richard Ellenberg, Dale Doremus and Jim Cutropia.	3-4
Matters from	<i>Mr. Gerberding would like to</i>	4-5

Commissioners, Matters from Committees	<i>see the Commission gets involved regarding the aesthetics of the River. Mr. Ellenberg will spearhead a group to do a walk of the river with Brian Drypolcher and other invitees.</i> <i>Action Item: To assure that notice is posted as a quorum will be existent.</i>	
Matters from Staff		5
None		
Citizens Communication from the Floor	None	5
Adjournment and Signature Page	<i>Ms. Romero-Pike moved to adjourn at 7: pm, second by Mr. Ellenberg, motion carried by unanimous voice vote.</i>	5
Exhibits:	Water Division Paper	

**SANTA FE RIVER COMMISSON
MINUTES**

Tuesday, July 19, 2011

6:00 PM – 8:00 PM

- I. Roll Call** - The meeting was called to order by the Chair, Jerry Jacobi at 6:00 pm at City Councilor's Conference Room, City Hall, Santa Fe, New Mexico

Roll Call constituted a quorum.

Present:

Jerry Jacobi, Chair
Phil Bove
Dale Doremus
Melinda Romero-Pike
Jim Cutropia
Richard Ellenberg
John Buchser
Samuel Gerberding

Others Present:

Mayor David Coss
Brian Drypolcher, Staff Liaison
Allan Hook, Water Resource Analyst for the Water Division
Claudia Borchert
Rick R. Carpenter, Water Resources and Conservation Manager
Francois Marie Patorni, Board President, Santa Fe Watershed Association
Felicity Broennen, Santa Fe Watershed Association
Fran Lucero, Stenographer

II. Agenda

Mr. Ellenberg moved to approve the agenda as presented, second by Mr. Bove, motion carried by unanimous voice vote.

III. Approval of Minutes

May 17, 2011 and June 21, 2011

Mr. Ellenberg moved to approve the minutes of May 17, 2011 as presented, second by Mr. Bove, motion carried by unanimous voice vote.

Mr. Ellenberg moved to approve the minutes of June 21, 2011 as presented, second by Ms. Romero-Pike, motion carried by unanimous voice vote.

IV. Discussion /Action Items

- a. River Commission review and discussion regarding the drafting of the proposed administrative procedures and the proposed ordinance to formalize the City of Santa Fe's commitment to bypass target flows in the Santa Fe River below Nichols Reservoir (Brian Drypolcher)**

Mayor Coss joined the meeting this evening to participate in this conversation.

Brian Drypolcher: At the last meeting there was a specific piece of language that came out of the bill regarding the 1000 ac. ft. of water, *"The 1000 acre feet volume of water shall not include water...that is otherwise utilized for a purpose other than creating river flows."* We had discussed that Mr. Cutropia and Mr. Ellenberg were going to work with Mr. Drypolcher on the first draft of the bill. Upon careful review and deliberation by staff, the Water Division management concluded that it could not support the italicized phrase above. Water Division and Brian met several times to discuss alternate language and to address the concerns as discussed in the bill. Brian said that they also spoke to the Mayor and it seemed that staff and the Mayor were in alignment. The bill would remain silent below the water. Staff worked hard and considered the language; the conclusion was that this is a policy matter and Mayor Coss would introduce this as a bill. A white paper from the Water Division was provided. (Exhibit A).

Mayor Coss stated that getting 1,000 acre feet dedicated by any city is huge. He hopes that he is not introducing this by himself because it won't pass. The Mayor would like for this to be straight forward stating that the city is dedicating a 1000 acre feet to the river. The Mayor was clear that he does not have the votes right now to get this passed.

Mr. Ellenberg said that the concern here is to make sure that the city meets its legal obligations when releasing water from the river. The city now meets most of its obligations through treated water. "My concern is that when you are not Mayor or staff changes and they say "lets' cut these acres", we won't have a say in this. If the city meets those obligations it should not be counted against the city's release of the 1000 acre feet.

Brian: The bill says that the target flows are 1000 acre feet to be measured at Nichols, dry years we scale back to 1000 acre feet, that is what staff has framed.

Richard Ellenberg: 1000 acre feet should not include water that is utilized for the purpose to meet the city's legal obligation.

Mayor Coss: We are trying to say the same thing, what we don't want to do is

quantify the entire legal obligation that is out there. We are ok to say that 1000 acre feet is for the river it will not be used to meet our legal obligations.

Mr. Bove I do not want to get in to a situation and have another controversy for lack of communication as we have had in the past. Our situation is unique and we couldn't make it work when the city was releasing the water to us, we never got the water on time. What we do now is better for the Acequia Madre. Maybe this is a side step to fix the Mariah.

Brian: It occurs to me that it may take someone from legal...if there is new language that the commission wants to propose, we should have more discussion.

Mayor Coss: It is hard to think about the enforceability. Since we have never had 1000 acre feet lets' just try to get it in the river. The more complicated we make it the harder it will be to get passed.

Dale Doremus: The suggestion might be to change the word "shall" in the italicized statement.

The Mayor said that the 2nd meeting in August would be the target date and we would it would be raining by then.

Mr. Ellenberg: I would suggest that if it is going to go back to legal that we have a sub-committee that meets with the City Attorney, and I would volunteer to do this. Brian Drypolcher will take this back to Legal and provide feedback to the Chair and to Mr. Ellenberg. Members of the sub-committee are, Richard Ellenberg, Dale Doremus and Jim Cutropia. Staff to be included in this meeting: Brian Drypolcher, Claudia Borchert and Rick Carpenter.

Mr. Bove asked if we resolved by pass vs. spill in 1000 acre feet.

Claudia Borchert: Spill is more than the planned release.

Mr. Bove wants to make sure that is in.

V. Matters from Commissioners, Matters from Sub-Committees

Commissioner Gerberding: The more I think about this there is a reality upon us and even if we get the language for 1000 acre feet, it will be wonderful. I think the idea of a living river also means the community coming to the river. I would like to start a dialogue on the aesthetics of the river so we can have a river that is always aesthetically appealing. I would like to see that conversation begin if that is within the scope of the River Commission.

The Chair said it definitely is within the scope, and mentioned that they had met at the Inn of the Governor's with the Mayor's planners.

Mr. Ellenberg: Stated that they should break the discussion in to two parts; one requires funding, the second part, what we can do with minor funding and volunteers.

Brian said there is funding and work will start in a few months, about \$1.5 million for improvements will be happening. For example the city is trying to get another CIP cycle running. There is talk about another bond cycle for CIP funding for the river. Also noted are the two master plans that have been done in the river.

The Chair asked Brian if he would be willing to take a walk with Mr. Ellenberg and Sam Gerberding and listen to their ideas and bring back to the Commission. Brian will do that if someone else coordinates that activity. Mr. Ellenberg will do the coordination.

Felicity would also like to be invited. Claudia offered precaution and direction should a quorum be present that it would be necessary to post a Notice as a Public Meeting of the River Commission Special Meeting. Others to be invited are Stefan from the Inn of Loretto and the GM from Garrett's Desert Inn.

John Buchset: If we went back to the original language before, would legal be ok? Disappeared language, if that language stayed disappeared is that what we wished to attain, is the flow down the river. Does that language concur with legal staff?

Claudia Borchert: The Mayor wanted as few red herrings, tinkering with the political arena. The Mayor said, keep it general and there is a fine line.

Brian: Anything that has a smell of a herring or an obligation of additional water is going to be a tough sell. We squeaked through with a resolution for 300 acre feet; anything that appears on paper to represent an expansion of water supply is going to be a tough sell.

Claudia Borchert: 1000 acre feet did not include 300 ac feet in dry years. The ordinance as it is right now is above the long range water supply plan obligation.


VI. Matters from Staff
None

VII. Citizens Communication from the Floor
None

VIII. Adjourn
There being no further business to come before the Santa Fe River Commission Ms. Romero-Pike moved to adjourn at 7:00 pm, second by Mr. Ellenberg, motion carried by unanimous voice vote.

Signature Page:

Jerry Jacobi, Chair



Fran Lucero, Stenographer