

MPRAB Report of Ditches With Trails (DWT) Presentation to
Middle Rio Grande Conservancy District (MRGCD)
Of Monday, 28 July 2008
Sandra P. Richardson, Chair

The MRGCD meeting on 28 July was highly attended, mostly by MRGCD ratepayers who expressed serious concerns with the DWT document presented to the Board. They voiced their concern that the proposal had not been made available to the public prior to the meeting. As Cliff and I were the first to arrive at MRGCD, about 45 minutes prior to meeting, we were privy to many such comments. As others arrived, I overheard the majority of folks from the District voice both the lack of concrete information and their distrust.

Attila Batily indicated, during his presentation, that the official document was to be posted by DWT "*sometime the next day*." Unfortunately, in the days after the meeting, I was not able to access. Fortunately, I did, take lots of notes for my own use throughout the meeting, including as each person spoke after Attila's slide presentation. I also took copious notes of the Board's comments and concerns.

OBSERVATIONS OF THE MRGCD PROCEEDINGS

As a personal observation of the proceedings, both Cliff and I were greatly impressed with the Board's concern for the comfort and welfare of all attendees. Individuals were allowed to speak without bells going off or having rude, personal comments directed at speakers. The Board Members consistently treated attendees as adult citizens. The Board's expectations of attendees were high and, to no great surprise, attendees rose to that level.

We were very impressed with the Chair & Board's accommodation for all attendees as well as accommodations for one Board Member who had earlier requested telecommunicating (he was in Hawaii). Extremely well-done.

The chair expressed his awareness, as an elected public servant, of the Board's role to listen to and to serve the needs of public taxpayers, especially those of the MRGCD ratepayers. He, and the other Board Members, did NOT treat either the multitude of speakers or the huge turnout as though these were a burden for the Board to barely be endured. On the contrary, he acted pleased.

Of important consideration to the public: attendees were neither required to sign up in advance nor to give their position on the issue. Each speaker simply identified him or herself for the record. This accommodation was very real to the public as many arrived throughout the meeting. All were welcomed to speak. Speakers were considerate. Again, response to expectations.

Further, the chair was cognizant of the attendees in that he set a tone for the Board's behavior among themselves and with others that was very professional and respectful. Board Members responded well to the benefit of all. They stuck to the issues, did not pontificate, accuse or attack nor waste time in the meeting...even in cases when an individual might have been very upset with others.

Refreshing. When we'd heard the serious grumblings among ratepayers before the meeting, we fully expected a very unpleasant evening. We were most pleasantly surprised. Bravo to all.

MAJOR CONCERNS & ISSUES Related to DITCHES WITH TRAILS

A. CONCERNS: Concerns expressed about the DWT proposal were consistent for both the vast majority of ratepayers and the Board as well as county (not BernCo) law enforcement and other experts.

1. Much concern voiced with the DWT produced document creating a new, unelected governing body that would have authority over the MRGCD lands, including zoning type issues which usurp MRGCD's legal authority over plotting and platting their lands. (Board stressed).

2. Significant concern voiced about the methodology and apparent assumptions of the study...both speakers and Board questioned where was the input of the expert consultant hired? Not much trust of either the document or process.

3. Tremendous furor over the "bridge" built by the County (originally costed at \$50K) whose final cost was over \$200 plus...some increases were of course due to sharp cost increase of steel and concrete.

Folks were very disturbed with the "art" element added to the bridge...speakers and Board stated they'd been assured this bridge would be a minimal-visually, safe treatment.

Becky from BernCoParks answered questions well.

The young mother of two young boys who was widowed due to the old bridge's hazards spoke about her concern that the bridge was built for safety.***

4. The "art" on the bridge was a huge thorn. Speakers, including the widow, and the Board reported they'd not had any knowledge of the art.

NOTE: From my personal experience for two projects with the COA Arts Board, resident/local input is a major requirement.

No one, either from DWT or BernCo Parks Becky, addressed this apparent exclusion of local notice or input. There was no denial of the "charges."

5. Lots of concerns voiced about the bridge being built BEFORE the final presentation by DWT to the Board. Ratepayers and Board felt they'd been "blindsided."

Sen. Dede Feldman explained that she funded this separate from DWT project due to the death of a young family man*** as well as injuries of others as a result of the old bridge; and, an earlier, separate, and great groundswell of her constituents to build a bridge that was safe and functional. She gave a good history of her involvement of both the bridge and the liability concerns for MRGCD.

ACTION ITEM RESULTS: At about 10 pm, after much careful deliberation, the Board's unanimous vote on the DWT was to:

- 1) accept the document as presented,
- 2) terminate the MRGCD working agreement with DWT, and
- 3) reject the final proposal from DWT.

B. ISSUES RELATED TO DWT & RESOLUTIONS:

Board members expressed their concern that there were critical issues that needed to be addressed not only to preserve their legal authority but also to preserve their necessary and much-beloved irrigation ditches and their trails...without being limited to or especially controlled by the DWT folks.

1. Of major importance to the Board and ratepayers and law enforcement was the issue of safety...for landowners, their children and their animals as well as welcomed public visitors who use the trails.
2. Another significant issue was the safety of the water which has been undermined by the deliberate contamination of the water by homeless, gangs and vandals...a critical health hazard, especially, with human and dog feces.
3. The Board unanimously supported aggressively addressing these issues.

RESOLUTIONS RELATED TO DWT:

Later in the meeting, two agenda items were passed that specifically were designed to deal with problems evolving from

1. the lack of notification and process in the bridge project; and,
2. the lack of the hugely understaffed Bosque Police which
 - a. has NO state authority (by state) to even issue citations
 - b. has NO state certification to carry weapons, increasing
 - 1) their exposure to personal danger from violent persons, and
 - 2) their inability to protect citizens and animals from extreme danger inherent in the ditches.

A. Resolution for #2: The chief gave a report:

He is personally certified and commissioned through agreement with Valencia Sheriff's Office. His entire Bosque unit consists of only he and 3 members who are not certified or commissioned.

Frequently one officer has had to walk into the area of from 3 to 12 "squatters" (my word) or gangs...who generally had knives, axes, guns, rifles...totally unarmed.

ACTION: The MRGCD voted to pursue a change through legislature (they'd been TWICE turned down by the legislature in the past).

B. Resolution for #1:

ACTION: The Board passed another resolution requiring the staff to inform the Board whenever requests for licenses vary from prescribed long-standing specifications.

Further, in those unique situations, the requestor must make a full presentation to the Board for its deliberation and decision.

OBSERVATIONS & IMPRESSIONS OF THE BOARD.

This Board is comprised of elected volunteers who are hands-on farmers and ranchers. We were impressed with their professionalism as well as real representation of the district residents-ratepayers whose livelihood and culture depends on the Board's protecting the irrigation system, preventing flooding and trail access.

Several "stand-outs:" Board Member Janet Jarred, a Valencia rancher, impressed us as one very sharp individual...very articulate and well-informed on both the role of the Board as well as related information pertinent to the agenda issues. Board Member Roberts, with several farms in Sandoval County, addressed the serious need "to carry" just to protect himself and his family from ever-present dangerous humans. His fear was real when he stated that he'd never go out on his farms without his rifle.

REPRESENTATION TO MRGCD

At the end of the public input period for DTW, I did speak as Chair of the MPRAB and as a member of the MPRAB Sub Committee. I reported first about my personal involvement initially in 2005 with DWT through WALK ABQ and other community groups. I told the Board that, after working on 3 Tricentennial Committees, I really came to appreciate the historical as well as present-day value of the ditches and their trails.

I explained that, having brought the issue to the MPRAB, we then created a sub-committee to study the issue. I added that as a result, we'd pursued presentations by Attila and Sen. Feldman and other experts. We had held separate meetings as a subcommittee and tried to be kept informed by DWT.

We on the MPRAB support preserving the ditches and the trails for the families who depend on them as well as support finding equitable ways to add safe, affordable public use of the trails. I urged the Board to pursue these goals.

Sandra P. Richardson, Chair
Metropolitan Parks & Recreation Advisory Board
Member, Sub Committee-Ditches with Trails