

Report to New Mexico Soil and Water Conservation Districts

*New Mexico Department of Agriculture, Agricultural Programs and Resources
Division*

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January 2021

December	Review mileage and per diem policy. (See Item #1)
January	Reorganize district board: Elect chairman, vice chair, and secretary-treasurer
January	Report to SWCC name, address, and phone number of all board members and indicate chair, vice chair, and secretary-treasurer positions
January	Conduct district board mid-year budget review
January	Ensure the proper bonding policy is in place
January 31 st	2 nd quarterly budget report is due to DFA-LGD (cc: SWCC region commissioner and NMDA)
January 31 st	WQ&C grant 2nd quarterly report and budget due to SWCC, NMDA Specialist
OMA Notification Requirements	
Remember that if you have to hold a district board meeting at a place, time or location that deviates from the information you advertised in your open meetings act resolution, you must advertise it accordingly. Here are the guidelines:	
Regular Meeting – 10 Days Prior	
Special Meeting – 3 Days Prior	
Emergency Meeting – 24 Hours Prior	

COVID containment efforts in New Mexico have included restrictions on the size of social gatherings. As a result, it is possible that an event scheduled for the near future has been – or will be – postponed, canceled, or hosted online instead of in person. Because of the fluid nature of things in response to COVID, NMDA strongly recommends that you check with the host organization for the events contained in this report that the events have not

changed in terms of their date or the manner in which they are to be hosted. We have included event websites to make this a simple step for you.

1. Review Your Mileage and Per Diem Policy

NMDA recently received some guidance from DFA on the questions posed by some SWCD auditors on the Mileage and Per Diem Policy. Please review the guidance below at the next board meeting.

*A Local Public Body can pay up to the full IRS published rate from the previous year **IF** they formally pass it by their counsel/commission/committee **and** have it written into their policy and procedure. If they do not formally adopt this change they can only pay up to the 80% of the published rate from the previous year.*

*This is the **ONLY** part of the travel and per diem rule that a Local Public Body can choose to pay a full IRS rate. A Local Public Body can choose to be more stringent in the other published rates but they **CANNOT** exceed the State issued maximums.*

The Internal Revenue Service standard mileage rate can be found on the IRS website at: <http://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates>

Beginning on Jan. 1, 2020, the IRS standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 57.5 cents per mile for business miles driven
- 17 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

The following link summarizes the optional standard mileage rates for employees, self-employed individuals, or other taxpayers to use in computing the deductible costs of operating an automobile for business, charitable, medical, or moving expense purposes: <https://www.irs.gov/Tax-Professionals/Standard-Mileage-Rates>

2. Open Meetings Resolution Updated Advertising Rates

Be sure to pass your Open Meeting Act Resolution in either **November** or **December**.

When preparing to publish the Open Meetings Resolution, remember that the state sets a limit on advertising rates that can be charged to governmental entities for required advertisements. Title 1, Chapter 4, part 4 of the New Mexico Administrative Code states: “...the newspaper publisher is entitled to receive no more than:

- A. *\$0.68 per line and for each column line of eight point or smaller type for first insertion.*
- B. *\$0.52 per line of each subsequent insertion*
- C. *All emblems, display headings, rule work and necessary blank spaces shall be calculated as solid type and shall be counted and paid for as such.*

3. Records Management and Recording of Meetings during the Pandemic

Records Management Division provided some recommendations and guidance as to how long a recording of a district meeting needs to be held on file. The response by the Records Management Division was given:

Our recommendation for the recordings of the meetings, once the audio has been transcribed, the recording becomes non-records and can be destroyed at any time. The transcribed document shall become the official record and retained permanently.

For more information, or if you have questions, please contact Records Management Division at (505) 476-7921, or email Tanya Vigil at Tanya.Vigil@state.nm.us.

4. USDA Announces Application Deadline for Conservation Stewardship Program for FY21

Farmers and ranchers are urged to contact their local USDA Service Center for information on how to apply for the Conservation Stewardship Program (CSP). The deadline to apply for the classic signup is January 15, 2021. A separate application deadline will be announced for contracts eligible for renewal. NRCS accepts applications year-round from agricultural producers who have established farm records with the Farm Service Agency (FSA).

Applications must include all agricultural or private forest land in the agricultural operation that the applicant will control for the 5-year term of the CSP contract. Applicants must provide a map of the operation with the application form NRCS-CPA-1200, "Conservation Application Form." The application form can be downloaded from <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>

"New Mexico staff have been working year-round despite the COVID pandemic to provide financial assistance to eligible producers. The foundation of the Conservation Stewardship Program is technical assistance that requires an assessment of the land in the operation and a conversation between NRCS and the producer on the improvements that can be made. Farmers and ranchers need to present their goals and concerns and NRCS works with the producer to identify the enhancements and practices that can fit those goals and needs," said Kenneth Branch, New Mexico Assistant State Conservationist for Programs.

About the Program

CSP is offered in all 50 states and the Pacific and Caribbean areas. The program provides many benefits including increased crop yields, decreased inputs, wildlife habitat improvements and increased resilience to weather extremes. CSP is for working lands

including cropland, pastureland, rangeland, nonindustrial private forest land and agricultural land under the jurisdiction of an Indian tribe.

More Information

For additional information about CSP, contact your local USDA service center and visit and <https://www.nrcs.usda.gov/wps/portal/nrcs/main/nm/programs/financial/csp/> and <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/csp/>

5. Latest NM Agricultural Statistics Available

The latest New Mexico Agricultural Statistics bulletin is available at:

<https://www.nmda.nmsu.edu/wp-content/uploads/2020/12/2019-NM-Ag-Statistics.pdf>

6. Open Meetings Act Reminder - A Committee cannot take action

This is a friendly reminder to all districts that if less than a quorum (committee) of the Board meets on the Board's regularly scheduled meeting date, a committee cannot take any action, nor make any recommendations without a quorum. If a committee meets, the committee can only discuss items.

If there are questions about this item, please contact your Specialist.

7. Meeting Minutes

As a reminder to the districts, per the Open Meetings Act, all draft meeting minutes must be available within ten working days after each Board meeting. NMDA recommends that every district send the draft meeting minutes to all supervisors as soon as possible after each Board meeting, so that all past actions items or potential action items are fresh on everyone's mind. If there are questions, please contact your Specialist.

8. Legislative Session 2021

The legislative session will begin on January 19th and end on March 20th. Legislation may be pre-filed from January 4-15. Please visit: <https://www.nmlegis.gov/> for more information.

9. Ag Producers Should Take Advantage of Federal Program Assistance by January 8, 2021 Sign up Deadline

The United States Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS), Assistant State Conservationist for Programs Kenneth Branch, announced today that a sign up for fiscal year 2021 Environmental Quality Incentives Program (EQIP) is underway. All New Mexico agricultural producers who would like to be considered for financial assistance under general EQIP or special conservation initiatives need to apply by January 8, 2021. While producers can apply year-round for EQIP assistance, this application

cutoff announcement is specific to the following National Initiatives, State Initiatives and Local Allocations:

1. General EQIP (Local Allocations)
2. Organic (Certified and Transitioning)
3. On-Farm Energy
4. Conservation Activity Plans
5. Strike Force Initiative
6. Lesser Prairie Chicken Initiative
7. NM High Tunnel (including Beginning Farmer and Rancher)
8. Source Water
9. National Water Quality Initiative (NWQI)
10. New Mexico Wildlife Initiative
11. Water SMART Initiative
12. Socially Disadvantaged
13. Beginning Farmer and Rancher
14. Joint Chiefs (i. Greater Santa Fe Fireshed)
15. Tribal
16. Water Management Entities (WME)

Producers can apply by visiting their [local NRCS field office](#) and submitting their [Conservation Program Application \(NRCS-CPA-1200\)](#) or those who have established a Client Gateway account may submit their application online. Producers need to receive a farm and tract number from the Farm Service Agency (FSA) by the application deadline.

As we roll out a new Farm Bill to our nation's farmers, ranchers, and private forests, Kevin Norton, Acting Chief of the NRCS announced some of our FY2021 Agency's priorities;

- Better understanding of our customer needs and improve overall customer service.
- Streamline our processes and program delivery to best serve our customers.
- We recognize the importance of partnerships and relationships.
- Our success is based on our locally led process.

- Elevate the importance of soil health across our agency through outreach and communication efforts to further enhance and promote the delivery of soil health principles to staff, customers and partners.

EQIP provides a targeted, science-based approach to restoring and protecting habitat while strengthening rural economies and cultivating collaboration among conservation partners. EQIP provides a flat rate payment to producers to install conservation practices, such as Cover Crops, Range Planting, Windbreaks, Residue Management No-Till, Riparian Forest Buffers, Watering Facilities, Fence, Tree Planting, and Wildlife Habitat Management.

NRCS provides leadership in a partnership effort to help people conserve, maintain and improve our natural resources and environment. You can find more Programs at [NRCS Programs](#). For more information about NRCS New Mexico visit [NRCS New Mexico](#). For a PDF version of this announcement, click [here](#).

10. FY21 Point System Worksheet

The Soil and Water Conservation Commission voted at their meeting in October to have the point system worksheet remain the same as it was in fiscal year (FY) 2020. This means that funds will be evenly distributed, so long as the point system worksheet is submitted and items 1-5 are completed as required by law. If there are activities that districts are able to complete during the course of this fiscal year, it is encouraged to fill out items 6-9 as applicable, but not required for FY21. The worksheet can be found at: <https://www.nmda.nmsu.edu/nmda-homepage/divisions/apr/references-and-resources-for-swcd-supervisors-staff/> . If there are questions about the worksheet, please contact your SWCD Specialist.

11. 2021 Annual Hay Conference

The Annual Hay Conference has been postponed until 2022. For more information please visit: <http://www.nmhay.com/2020-conference.html>

12. NM Water Dialogue 27th Annual Statewide Meeting

Save the date, the NM Water Dialogue's 27th Annual Statewide Meeting will be January 13-14, 2021. Please visit: nmwaterdialogue.org for more information on the Annual Meeting, as it becomes available.

13. National Association of Conservation Districts Annual Meeting

NACD's 75th Annual Meeting will be held virtually from February 1-10, 2021. The theme of the Annual Meeting will be, "A Diamond out of the Dust." Please visit: www.nacdnet.org. If you have any questions or comments about the virtual annual meeting process, please contact events@nacdn.net .

14. Electronic Meeting Options for SWCDs

Due to various state directives related to the COVID-19 situation, SWCDs that need to address time sensitive or emergency issues must meet electronically (teleconference and/or video conference). Your NMDA Soil and Water Conservation Specialist can help you get these platforms up and running for your SWCD. Here are a few options that have been the most successful:

- **Zoom** – This is a computer-based platform that allows participants the option to either connect through the internet with video and voice, or call in like a conference call using only voice.
 - While there is a free version, it does have a time limit of 40 minutes. This has caused problems for some SWCDs because the SWCD meetings typically last longer than 40 minutes.
 - The Pro Package is \$14.99 per month, and includes unlimited time, and up to 100 participants per meeting. It also includes cloud storage, the option to record the meeting, screen sharing, and other features. This should be sufficient for most SWCDs.
 - This is the link to the Zoom website <https://nmsu.zoom.us/pricing>
- **Webex** - is a similar video/phone conferencing option to Zoom, offering both free and prepaid plans.
 - Webex's free plan, allows up to 100 participants in each meeting, there is not a time limit on meetings, and it also does not limit the number of meetings one can hold.
 - Webex allows both video conferencing and phone calls into the conference number. Which assists those who either do not have internet or internet that does not support video conferencing.
 - Currently Webex is offering a promotion that allows a free first month when you sign up for a paid monthly plan, and four months free when an annual plan is purchased. Use code **wecare2020** to access this offer.

Other options available with the paid Webex plans include cloud storage, the option to record the meeting, screen sharing, and other features. Paid plans start at \$13.50 per month. To view what each plan includes, prices and frequently asked questions, visit:

<https://www.webex.com/pricing/index.html>

15. Guidance from NMDA to SWCDs during COVID-19 Pandemic

The memo is informational and provides additional guidance to the New Mexico Soil and Water Conservation Commission (SWCC) and the New Mexico Soil and Water Conservation Districts (SWCDs) during the time of the response to the COVID-19 pandemic.

The most up to date orders issued by the Governor through the New Mexico Department of Health (NMDOH) can be found here:

<https://cv.nmhealth.org/public-health-orders-and-executive-orders/>

In addition to the information on the NMDOH website, the New Mexico Attorney General (NMAG) has also issued Open Meetings Act (OMA) guidance related to conduct of public meetings during the period of social distancing, which can be found at:

<https://www.nmag.gov/>

In part the NMAG states:

The Office of the Attorney General's Open Government Division (OGD) advises all public entities subject to OMA to first and foremost follow the guidelines of the Department of Health and other health officials to ensure the health and safety of both members of the entity and the public. Accordingly, the most prudent thing to do to ensure compliance with OMA would be to postpone /cancel a public meeting. If, however, a board or commission has a time-sensitive matter to attend to, it may proceed with a virtual meeting, provided it's notice of meeting contains detailed information (password, phone number, etc.) about how members of the public may attend and listen via telephone, live streaming or other similar technologies.

More specifically, if a public body decides to proceed with a virtual meeting, it should:

- At the start of the meeting, the chair should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via live stream or other similar technology, if possible, or call-in number for listening by phone.
- Chair should suspend discussion if the audio or video is interrupted.
- All votes of the public body must be by roll call vote.

NMDA has provided all of the above information to SWCDs through its monthly report to SWCDs as well as through individual contact to each district. However, since this is a rapidly evolving situation, it bears repeating.

You are advised to conduct public meetings in a manner consistent with the public health orders and in compliance with the NMAG guidelines. This means that the meeting must be conducted in a manner that the public has access to participate through a conference call line allowing many interested publics to attend at once. All members of the public must be able to attend and must be allowed to participate in the meeting no matter which technology is chosen. It is advised that no one gather for the meeting in observance of the order to stay socially distant. If meetings are conducted via teleconference or web-based conference service, there would be no need to gather.

In addition to compliance with the social distancing order, it is also important to respect that individuals with underlying health conditions (potentially members of the SWCD board, employees, or the public) may not want to gather whether the gathering complies with the not more than five individuals in a room even with the appropriate six feet of distance. Therefore, NMDA strongly urges you to conduct any meetings in strict accordance with the orders and guidelines issued by the State of New Mexico. The only current weapon the

country has to curb the COVID-19 pandemic and assist the state with the response so that the medical community does not fall into a disaster is to observe the stay at home/social distancing order. Please consider this information and the guidelines as you decide to hold a public meeting. If you have questions, please contact NMDA staff at 575-646-2642 or call your specific SWCD specialist.

16. Rolling Quorums

NMDA would like to remind all SWCD and Watershed boards to be careful when emailing and conference calls during this time of limited interaction. A rolling quorum needs to be avoided. The definition and examples are stated below, directly from the Attorney General's Open Meetings Act Compliance Guide.

Rolling Quorums (Open Meetings Act Compliance Guide 2015 page 7):

The Act's requirement for open, public meetings applies to any discussion of public business among a quorum of a public body's members. Usually, a quorum of a public body's members meets together to discuss public business or take action. However, a quorum may exist for purposes of the Act even when the members are not physically present together at the same time and place. For example, if three members of a five-member board discuss public business in a series of telephone or email conversations, the discussion is a meeting of a quorum. This is sometimes referred to as a "rolling" or "walking" quorum. The use of a rolling quorum to discuss public business or take action violates the Act because it constitutes a meeting of a quorum of the public body's members outside of a properly noticed, public meeting.

17. Assistance Programs posted on NMDA's Website

NMDA has compiled a list of all state and federal assistance programs available during the COVID 19 Pandemic. Please look over these assistance programs and feel free to pass along any of this information that might be beneficial to individuals or groups within your SWCD.

Please visit: <http://www.nmda.nmsu.edu/assistance-programs/>

18. PPE for SWCDs

SWCD's can request personal protective equipment (PPE) from the state EOC warehouse through a county emergency manager. SWCDs would need to fill out a 213-resource request form, the local emergency managers should be able to help with that.

Alternatively, PPE can be purchased through various websites, see below websites. NMDA recommends checking some of these websites frequently as the PPE comes in and out of stock.

<https://health.suttersmill.com/>

https://www.northerntool.com/shop/tools/category_clothing-footwear+clothing-accessories+cloth-face-coverings-masks

<https://www.northernsafety.com/Product/353566/NSI-3Ply-Disposable-Mask>

<https://midsci.com/products/210/Apparel/>

19. Meeting and Comments on National Forests in NM

All five of the National Forests in New Mexico are in various stages of completing their Forest Plan Revisions. For updates, please visit the National Forests' websites below for meeting times and comment opportunities.

- Cibola NF: http://www.fs.usda.gov/detail/cibola/landmanagement/planning/?cid=FSBDEV3_065627
- Carson NF: <http://www.fs.usda.gov/detail/carson/landmanagement/planning/?cid=stelprdb5443166>
- Santa Fe NF: <http://www.fs.usda.gov/detail/santafe/landmanagement/planning/?cid=stelprd3791442>
- Gila NF: <http://www.fs.usda.gov/detail/gila/home/?cid=STELPRD3828671>
- Lincoln NF: <http://www.fs.usda.gov/detail/lincoln/home/?cid=stelprd3814307>

NMDA encourages all SWCDs to stay active in the Forest Plan Revision process for all five national forests. We also encourage SWCDs to provide information as requested to make sure that SWCD information is included in the process.