

Report to New Mexico Soil and Water Conservation Districts

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

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April 2021

April	Pass annual mill levy rate resolution and submit to the SWCC for approval.
April 8th	2021 Water Quality & Conservation Grant proposals due
April 30	WQ&C grant 3rd quarterly report and budget due to SWCC and NMDA Specialist
April 30	3rd quarterly budget report due to DFA-LGD (cc: SWCC, SWCC Region Commissioner, and NMDA Specialist)
April	Appointed Supervisor Positions due to the SWCC by June 1st (cc: your NMDA specialist). See item #3.

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. District Operations Funding

NMDA is releasing the ten percent (10%) of funds (approximately \$81,941.00) which were withheld at the beginning of the fiscal year. Please keep an eye out for this payment which will be coming soon.

Please see the attached memo for more information.

2. 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>

3. Mill Levy Rate Resolutions and Appointed Supervisor Nominations

Please submit your Mill Levy Rate Resolutions and Appointed Supervisor Nominations to the SWCC by June 1st. Appointed Supervisor nominations should be submitted for **each** supervisor in positions 6 and 7.

4. SWCC Meeting

The next SWCC meeting will be Wednesday, April 7, 2021, at 9:00a.m.

Based on the Public Health Emergency declared by the Governor, and guidelines for public gatherings set out by the Department of Health, as well as direction from the Attorney

General, the New Mexico Soil & Water Conservation Commission (SWCC) will hold a virtual regular meeting at 9:00 am, April 7, 2021. The SWCC will use the video conferencing and teleconferencing application Zoom. With this, you may join the meeting online or by telephone. Join via online, go to: <https://nmsu.zoom.us/j/91954559686>, or telephone: 1-253-215-8782, meeting ID: 919 5455 9686. The general public and interested parties are invited to attend and provide input. Public comments can also be emailed to swcc@nmda.nmsu.edu, or by calling (575) 646-2642. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Commission office at 575-646-2642 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

5. 2021 SWCD Supervisor Elections

NMDA strongly encourages all SWCDs to schedule meetings with **all** county clerks whose counties are within SWCD district boundaries, not just the counties where the majority of the district land lies. Each county clerk may run elections differently, therefore you are responsible for contacting them soon to see what they need from your district and when it's needed. The NMDA election timeline, which clearly states what is due and when, is no longer valid for SWCD elections. County clerks are in charge and will be the ones to set due dates and how to comply with the new Local Election Act.

The sooner you make contact with **each** county clerk within your district boundaries, the sooner you will be on the right track to the 2021 elections. Neither NMDA nor the SWCC has any input if a deadline or document is not correctly fulfilled.

Each SWCD is solely responsible for their 2021 election, in accordance with the Local Election Act.

6. 2021 Water Quality & Conservation Grant

The New Mexico Soil and Water Conservation Commission (SWCC) annually receive a legislative appropriation from the State of New Mexico to be used for special projects relating to water quality and conservation. These funds are awarded by the SWCC through the Water Quality and Conservation (WQ&C) Grant Program. The goal of the grant program is to promote the health of New Mexico's watersheds and conserve the water resources they produce. A limited number of projects addressing one or more of the following areas will be funded over the next fiscal year:

1. Watershed Improvement/Management
2. Irrigation Efficiency
3. Riparian Restoration
4. Natural Resource Information and Education
5. Ground Water Protection/Conservation
6. Noxious Weeds

The RFP for the WQ&C grant will be sent out to all SWCDs the beginning of February. All proposals are due **Thursday, April 8th by 5:00 pm**. The proposal needs to be in **Microsoft Word formatted** version and emailed to: swcc@nmda.nmsu.edu. Faxed copies will not be accepted.

7. Climate Change Comments

On January 27, 2021, President Biden issued an Executive Order on Tackling the Climate Crisis at Home and Abroad. This Executive Order laid out a series of actions for Federal Agencies to take regarding climate change mitigation and resilience, including directing the Secretary of Agriculture to collect stakeholder input on a climate-smart agriculture and forestry strategy. U.S. Department of Agriculture (USDA) is seeking input from the public to ensure that relevant information is considered.

Interested persons are invited to submit comments on or before 11:59 p.m. Eastern Time April 29, 2021.

For more information, please visit:

https://www.federalregister.gov/documents/2021/03/16/2021-05287/notice-of-request-for-public-comment-on-the-executive-order-on-tackling-the-climate-crisis-at-home?utm_campaign=subscription+mailing+list&utm_source=federalregister.gov&utm_medium=email

8. New Mexico Conservation Technical Assistance for Outreach and Education

The Natural Resources Conservation Service -New Mexico (NRCS-NM), Notice of Funding Opportunity (NFO), Opportunity Number **USDA-NRCS-NM-CTA-21-NOFO0001078**, has been posted to Grants.gov and is open for applications through May 5, 2021.

NRCS NM is seeking to partner with and support the efforts of natural resource conservation partners to promote public awareness and implementation of conservation activities by conducting conservation outreach workshops and training that will educate New Mexico's agricultural community, private landowners, conservation organizations, cooperating agencies, acequias, and land grants

The opportunity can be found on Grants.gov through the basic search criteria by using the opportunity number, or by searching the CFDA of 10.902. It can also be found by filtering for All Department of Agriculture.

Applicants must submit their applications via Grants.gov by 11:59 pm Eastern Time, May 5, 2021. For technical issues with Grants.gov, please contact Grants.gov Applicant Support at 1-800-518-4726 or support@grants.gov. Questions regarding this Notice of Funding Opportunity (NFO) may be submitted until April 9, 2021. The agency expects to notify

applicants of the decision to award or reject their proposals by June 4, 2021. Successful awardees should plan for project start date of July 12, 2021.

For more information, please visit:

https://content.govdelivery.com/attachments/USDANRCS/2021/03/09/file_attachments/1717137/USDA-NRCS-NM-CTA-21-NOFO0001078_final.pdf

9. EPA Seeks Nominations for Local Government Advisory Committee

The U.S. Environmental Protection Agency is announcing a solicitation for nominations to serve on its Local Government Advisory Committee (LGAC), which advises the EPA on critical environmental issues impacting local governments. The agency is also accepting nominations for LGAC's Small Communities Advisory Subcommittee (SCAS).

Members of the LGAC and SCAS will provide advice and recommendations on a broad range of issues, including: ensuring access to clean air and water; reducing greenhouse gas emissions; advancing environmental justice; bolstering resilience to the impacts of climate change; and limiting exposure to dangerous chemicals and pesticides.

Candidates must be current elected or appointed officials representing local, state, tribal or territorial governments. EPA expressly values diversity, equity, and inclusion, and encourages the nominations of individuals from diverse backgrounds, so that the LGAC and SCAS look like America and reflect the country's rich diversity.

To be considered for 2021 appointments, nominations should be submitted by April 16, 2021. Learn more about the nomination process

here: <https://www.federalregister.gov/documents/2021/03/05/2021-04624/local-government-advisory-committee-and-small-communities-advisory-subcommittee-request-for>

10. 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.

11. NRCS Program Workshops

Partnering with Cruces Creatives, Backyard Farms and other local ranchers/farmers, Dona Ana SWCD will be creating materials, videos and education workshops to teach ranchers and

farmers how to work with the NRCS office to take advantage of the EQIP, CSP and CIG programs to move their productions forward.

To interested farmers and ranchers wanting guidance with the process of applying for NRCS grants, the goal of these workshops is to provide local producers with comprehensive information about the programs listed below that will assist them to conservative initiatives.

The workshop schedule is:

EQIP Zoom Q&A 2: April 13, 2021

CIG workshop video release date: March 30, 2021

CIG Zoom Q&A 1: April 20, 2021

CIG Zoom Q&A 2: May 11, 2021

Registering is **FREE** and can be done here, click on the event you want to register for:

<https://crucescreatives.org/Events-Calendar>

These videos will be followed up by Question and Answer Zoom sessions with the local NRCS staff.

You can learn more about the workshops and NRCS programs here:

<https://daswcd.org/nrcs-101/>

12. 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.

13. 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.

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 lasts 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.