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Magdalena school board amends water grab protest

http://www.dchieftain.com/news/magdalena-school-board-amends-water-grab-protest/article_356e108a-0443-11e7-b4b0-ab5445abb5da.html

The San Augustin water grab was a topic of discussion at the last two meetings of the Magdalena Board of Education. At the regularly scheduled Feb. 13 meeting the board had discussed in executive session withdrawing a letter filed with the Office of the State Engineer protesting the Augustin Plains Ranch LLC planned project to pump water from the San Augustin aquifer. That letter was signed and submitted by the former superintendent Mike Chambers.

Then-board President Nancy Jaramillo said it was her understanding that only the Board of Education – and not the superintendent – could sign such a letter.

After word of the proposed withdrawal reached the public, the board revisited the subject during a special meeting Tuesday, Feb. 28.

It was standing room only as close to 80 residents attended that meeting and several community members were given a chance to voice their concerns.

Brett Bruton of the San Augustin Water Coalition commented on the proposed withdrawal of Chambers' letter of protest.

"I'm just asking the school board to let the protest stand," Bruton said. "There's 52 governmental protest letters in on this thing. It's not going to cost the school anything. Isleta, Acoma, the VLA, Village of Magdalena, Socorro County, Catron County, Sierra County, US Forest Service, Fish and Wildlife, Bureau of Land Management, Alamo Chapter, Quemado Schools."

Board member Gail Armstrong added that Doug Meiklejohn of the New Mexico Environmental Law Center "is handling it pro bono."

Another audience member, Sam Olney, also said it was important for the school to remain a water grab protestant.

"This water issue is a very big deal. If Chamber's name is the issue on that – the letter from this school – erase his name, we don't need his name on there. We've got other schools, Quemado, Reserve, everybody else backing this issue," Olney said. "We are not going to lose any money. We're not going to have to pay for anything. Mrs. Armstrong knows all about this...if we don't, we're sunk. Literally. There may be sinkhole in the Augustin plains. Magdalena Schools needs to have their name on there. If his name's the problem...we've got white-out. Put Magdalena Schools on there and show a little backbone."

Former superintendent Chambers, now working in Grants, related in an email to El Defensor Chieftain his role in the water grab protest, saying that the school board had approved the letter.

"The San Augustin water project, the proposed water grab, was presented to the Board of Education when it first came to light and we were asked to support a petition against that," Chambers said. "It was discussed by the board at one of our meetings and it was decided that it would not be something that would be healthy for the school. So as a result, I did sign, on behalf of the school, the petition against the water grab up on the San Augustine plains."

"Evidently they took the signatures from that petition and used that as a basis to file a class action lawsuit, so therefore the school became a party to the class action lawsuit," he said.

“Contrary to the way it was presented at the board meeting it was not my decision, it was a board decision,” Chambers said. “And I never signed up the school to be part of a lawsuit that could actually or potentially cause the school to have to spend money on lawyer’s fees. That was never a part of the discussion.”

Armstrong, a board member up until the end of last month, said, “I believe, in good faith, we were wanting to be a part of (the protest). Now, whether it was legal for Mike to sign or not to sign, the board wanted that. Randall (Major) and Kelby (Stephens) remember that also.”

Armstrong said they could consult Carol Helms, the board’s attorney, “but my opinion is that we need to stay on the petition.”

Helms replied that a simple solution would be for the board to ratify the original Chambers letter.

“That would put the school board’s stamp of approval on it,” she said.

Helms suggested first checking minutes of previous board meetings. “Right now you have a lot of vagaries from the past,” she said. “Then you can follow through by ratifying that action. That would be up to the new board.” The new board took office March 1.

Jaramillo explained the initial rationale for wanting to withdraw Chambers’ letter of protest.

“Mr. Chambers had signed the petition in the name of Magdalena Schools and the problem is only the board can enter into a lawsuit for the school, not the superintendent. And this is a lawsuit,” Jaramillo said. “The concern by the school board at the time on Monday was is this going to cost us something...so we felt like it was OK to withdraw and instructed (Superintendent) Dr. (Vannetta) Perry to go ahead and write the letter to withdraw the [protest] on the petition.”

However, in a telephone interview, Meiklejohn told El Defensor Chieftain there was, in fact, no lawsuit and that the normal application process was on schedule.

“We got the notice in early February that the unit received the application and protests, and made a request that the administrative unit docket the matter,” Meiklejohn said. “That’s the first step in setting up a formal hearing whether or not to grant the application. There is no lawsuit.”

At the most recent meeting – Monday, March 6 – the board, following an executive session, voted to remove Chambers’ name from the protest petition and change the name to Magdalena Schools’ Board of Education