



# THE TAOS NEWS

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## **Litigation threatened over Abeyta Water Settlement; details remain unclear**

**By Patricia Chambers**

The Taos News, August 7, 2008

The mayor and Taos Town Council held four closed executive sessions late last month about the Abeyta Water Settlement, but details about the discussions remain confidential.

The issue of the town's contractual commitments in the complicated Abeyta Water Settlement was first raised at the council's July 15 regular meeting.

The agenda included an executive session to discuss the settlement negotiated for the town by Tomás Benavidez, former town manager.

State law permits municipal governments to meet in closed session to discuss pending litigation.

During the public portion of the meeting, however, Councilor Eugene Sánchez asked interim Town Attorney Marcus Rael Jr. to state his objection to a 10-year lease of town water to the El Prado Water and Sanitation District.

Rael said contradictory language in the contract seems to require the town to document a "need" for the available water by Jan. 1 each year of the contract.

An added clause in the agreement would require the town "to prove it needs the water" by providing an hydrological study, Rael said. "The cost of that study could be \$1,000 or more and after Jan. 1, the town would lose that water until the following year," he added.

The town is contracting to lease about 100 acre-feet of water to the sanitation district.

Rael said he intended to meet with attorney James Brockmann, who represents the El Prado Water and Sanitation District, to address his concerns in the week following the July 15 council meeting.

The Abeyta Water Settlement has a roundabout connection with a running controversy between Benavidez and two council members.

The former manager had worked on the legal agreements for the Abeyta Water Settlement for several years and his supporters — Mayor Bobby F. Durán, former

Councilors Erlinda Gonzales and Melitòn Struck — pointed to Benavidez' legal work in negotiating the agreement when he came under fire from Councilors Darren Còrdova and Rudy Abeyta.

The two councilors tried twice to fire Benavidez.

The first time they present-ed a motion for dismissal in January 2007, Mayor Durán broke a tie vote to defeat the motion and another to reward Benavidez with a \$10,000 raise for his work on the Abeyta Water Settlement.

Benavidez lost his appointed post in March after Gonzales and Struck were defeated for reelection and replaced by two new council members.

Although no public action was taken about the Abeyta Water Settlement this week, the mayor and council met with Rael in closed session in special meetings July 24, 29 and 30.