

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Regular Meeting 19 October 2010

1. Call to Order at 5:58 PM.
2. Pledge of Allegiance led by Chairman Reyes.
3. Roll Call – Chairman Reyes; Director Kilfoy; Director Sandoval; Director Torres; Director Gorrell. All present.
4. Chairman's report: Chairman Reyes reported the cost to satisfy requests for information has cost ESCAFCA \$2500. He stated ESCAFCA is going to begin abiding by the Roberts Rule's of Order. The public will be given an opportunity to speak at the end of the meeting, to ensure the ESCAFCA meetings can conduct business with no interruptions. Public comments will be limited to 3 minutes per person. At the 2 ½ minute mark, a signal will be given. Questions will generally not be responded to.
5. Approval of Agenda [m/o]: Motion to approve Agenda made by Director Torres; second by Director Kilfoy.
6. Introduction of Guests: Orin Safier, self; Stephen Barro, self; Lana Muraskin, self; Ron Overley, SMHOA; Doris Faust, Board Candidate; Kevin Powers, RBC Capital Markets; Dan Hogan, self. Others present; not identified.
7. Approval of minutes: Regular meeting of September 14, 2010 [m/o]: Director Gorrell asked for revision on Item 18 and Item 24c. He explained why he voted nay on Item 18. He stated he felt the advice from ESCAFCA's legal counsel should be documented in the meeting minutes. Motion to approve the Regular meeting minutes of September 14, 2010 with the exception of Items 18 and 24c made by Director Gorrell; second by Director Kilfoy. Director Gorrell withdrew his motion and made a new motion to reject the Regular meeting minutes of September 14, 2010; second by Director Kilfoy. Passed unanimously.
8. Financial Report [m/o]: Quarterly report by Gary Young: Gary Young reviewed the quarterly report. He stated he would be meeting with the auditors to make sure they have all the information for the audit report. Director Sandoval asked if the Board was going to have a chance to approve the report. Gary Young stated the Board will have to approve the report before it is sent to the State Auditor. Mr. Blair stated the supplementary audit for FY 2009 has not been signed by the State Auditor's office yet. Mr. Blair stated that the \$5,000 filing fee has been received by FEMA, but it could take up to 90 days before they respond.
9. Discussion:
 - a. The Outlook for ESCAFCA Bond Finance in 2011: Stephen Barro [m/o]: Stephen Barro presented a case for deferring the next bond sale and provided a handout that summarized his findings. The handout has been made a part of the ESCAFCA file.
 - b, Resolution 2010-2 Bond Financing Option [m/o]: Larry Blair noted that the Resolution 2010-2 passed in February 2010, stated ESCAFCA will defer any decisions on a bond sale until 2011.
10. Discussion: ESCAFCA Operating Rules [m/o]: Chairman Reyes stated that ESCAFCA needs to create operating rules to document existing and proposed procedures, for the benefit of board members, staff, and consultants. When rules have been reviewed and accepted by the Board, they can be adopted.
 - a. Processing Invoices [m/o]: Mr. Blair discussed the procedural rule on how invoices are processed.
 - b. Board Member/Constituent Requests for Services from Contractors [m/o]: Mr. Blair discussed the steps for requesting information from ESCAFCA. He stated that requests are to be submitted to the Chair, who will decide how to respond. Mr. Cadigan stated that any request that would take more than

an hour of consultant time would need Board approval. Director Gorrell asked how constituents would know their requests have been received.

c. Preparing and Publicizing the Agenda [m/o]: Mr. Blair presented a proposed rule for meetings and the agenda. It references Robert's Rules of Order, the State's requirements for open meetings and how ESCAFCA is currently conducting meetings. Mr. Blair requested that items to be added to the agenda, need to be sent to the Chair 2 weeks prior to the Board meeting. This will help get the mailout mailed in a timely manner. Director Gorrell stated that if ESCAFCA is going to adopt Robert's Rules of Order, he didn't feel Item 1 of the mailout was needed because it repeats what Robert's Rules of Order already states. Mr. Cadigan stated that before ESCAFCA decides to adopt Robert's Rules of Order, the Board needs to make sure they understand what the rules clearly say.

11. Discussion: Prudent Line Policy [m/o]

a. Briefing on concept: Larry Blair briefed the Board on the concept of the Prudent Line, and stated the draft Prudent Line Policy has been posted to the website.

b. Comment problems and extension of deadline: Because of the complaints regarding the inability to submit comments, the deadline will be extended to mid-November.

c. Public meetings on the Policy will be scheduled with the Prudent Line Study (next item).

12. Discussion: Channel Stability Analysis and Prudent Line Assessment for Las Huertas Creek, Sandoval County, NM [also referred to as Prudent Line Study][late m/o]

a. Briefing on Report: Mr. Blair advised the Board to focus on the report conclusions and the map of Appendix A-1.

b. Release to public and public meetings. Additional copies will be printed, and public meetings will be scheduled in November, December, and January in Placitas.

13. Discussion: Election of Directors, November 2, 2010

a. Notice of Election of Directors [m/o]: Larry Blair stated the Notice of Election of Directors is in the newspaper and a copy of it was provided in the mailout.

b. December meeting: Approval of Election Canvass: Larry Blair stated that at the December meeting, the County Commission should provide the Board with a Certificate of Canvass and the Board will have to approve it and then it will be sent to the State.

c. January 3, 2011: Swearing In of Directors: Mr. Blair also stated that the Legislation requires that all new Directors must be sworn in on the first business day of the New Year. He has tentatively reserved a room at Bernalillo Town Hall on January 3 for the swearing in of Directors.

14. Discussion: Executive Engineer position

a. Advertisement and Job Description [m/o] Copy of the advertisement and job description was in the mailout. The advertisement was placed in the Albuquerque Journal, Rio Rancho Observer, it will appear in the Sandoval Signpost, and it is on the New Mexico Society of Professional Engineers website. Mr. Blair also stated that if anyone on the Board knows of a good candidate to have them apply or call him.

b. Timetable and process [m/o]: Resumes are due by November 10. Mr. Blair recommends the Board appoint a screening committee to go through the applicants and pick out the most qualified for interviews by the Board. Mr. Blair suggested the screening committee be made up of one Board member, a few Engineers, a public official, and one citizen. All are to be appointed by the Chairman. Chairman Reyes nominated Director Sandoval as Chairman. Director Sandoval accepted the nomination.

15. Discussion: Pipeline Grant

a. Executed Grant Agreement [m/o]: A copy was provided in the mailout.

b. Project Abstract for Grant Application [m/o]: The abstract was in the mailout. A complete copy of the Grant application is available.

c. Copy of 10/10/10 E-mail "Action required...": A copy was provided in the mailout.

d. Draft Work Plan [m/o]: Mr. Blair reviewed the Draft Work Plan, which is the outline of work and actions to be done over the next several months under the Grant. The plan may be revised as more is learned about permissible Grant activities.

16. Discussion on website: Content; responsibilities; customer interface; general maintenance. Director Gorrell stated he would like the website to have the ability for constituents to submit comments and be able to submit e-mails to Larry Blair. Joan Griffin stated she could set up an ESCAFCA e-mail up for all the Board members. Ms. Griffin stated that all meeting minutes are archived on the website.

17. Action: Approval of Task Order No. 13 Administrative Services for \$20,000 [late m/o] : Larry Blair stated he would be addressing Items 17 and 18 together. In December 2008, ESCAFCA approved Task Order No. 3 for Miscellaneous Engineering and Administrative Clerical Support. It was amended in September 2009 to increase the dollar amount. He explained that he should have closed out Task Order No. 3 in July 2010 (end of FY2010), and started two new task orders because these items are sensitive to the operations budget, and has to be approved every year. Mr. Blair stated he would like to close out Task Order No. 3, retroactive to July 1, 2010, and replace it with Task Orders 13 and 14, separating out Engineering Services from Administrative Clerical Support. Motion to approve Task Order No. 13 made by Director Gorrell; second by Director Torres. Passed unanimously.

18. Action: Approval of Task Order No. 14 Miscellaneous Engineering for \$15,000 [late m/o]: Motion to approve Task Order No. 14 made by Director Sandoval; second by Director Torres. Passed unanimously.

19. Action: Approval of Task Order No. 15 Pipeline Grant Administration and Services [late m/o]: Mr. Blair explained that this Task Order is extracted from the Pipeline Grant Work Plan, and provides the means to accomplish work plan tasks, including engineering, public relations, and administration, and account for Grant expenditures. Motion to approve Task Order No. 15 made by Director Gorrell; second by Director Kilfoy. Passed unanimously.

20. Action: Meeting schedule

a. Next meeting: 9 Nov in Courtroom, or 16 Nov in Council room: Next Board meeting will be moved to November 16 at Town of Bernalillo Council Room.

b. Consider moving to another day [3rd Tuesday?]: Mr. Blair is going to do research on moving the Board meetings to another day later in the month.

21. Executive Engineer's Report

a. Board photos: Contact Carla Salazar, Town of Bernalillo at 867-3311 to make appointment

b. Las Placitas Association meeting Wednesday October 20, 2010 [m/o]: Larry Blair reported he is going to attend the Las Placitas Association meeting. He stated he would be addressing the Prudent Line Policy.

c. EE absent Sat 23 Oct thru Thur 28 Oct 2010 [Association of the US Army, Washington DC]

d. EE attend Pipeline Safety conference 2 Nov thru 6 Nov, New Orleans, [no cost to ESCAFCA]: Larry Blair stated this conference will help define more accurately the work plan, and what activities ESCAFCA can be reimbursed for.

e. 01 Dec 2010 Middle Rio Grande Flood Control Association breakfast, 0700, 4 Hills Country Club: Larry Blair and Chairman Reyes will attend the Middle Rio Grande Flood Control Association breakfast.

f. Voters Guide--League of Women Voters [m/o]. For information.

22. Public Comment: Doris Faust thanked the Board for listening to the information Stephen Barro presented. She stated that both of the Boards witnesses expressed concern about issuing another \$3M in bonds without further justification. She stated the first set of bonds were based on false information and taxpayers didn't know what they were voting on. She addressed the proposed operating rule regarding the Board member requests for services and feels there needs to be more attention to detail before it is passed. She stated she would like to see the meeting minutes for Pre-2009.

Stephen Barro stated one more consideration on the bond issues, that they need to consider how much money is being used up and how much will be remaining next year. He stated that out of the \$3M

ESCAFCA received; only \$400,000 has been spent on projects. He stated that not all information is being added to the website.

Orin Safier stated a big unknown is the effect of foreclosures and ESCAFCA needs to take into consideration that the tax base could go down if many foreclosures happen.

Lana Muraskin stated she couldn't figure out what the pipeline grant was for. Her concern was the amount of money that was approved in a task order to Wilson & Company, which is reasonable if it is for a technical project but it's not clear. She stated it was unclear whether the money was a combination of the grant money or combination of other resources available to the Board. Mr. Blair stated that there was a substantial public outreach and involvement that needs to be accomplished. There's also more engineering analysis and possible design if solutions are needed. There will be three scheduled public meetings that will discuss the grant further.

23. Adjourn at 8:39 PM. Motion to adjourn made by Director Torres; second by Director Gorrell. Passed unanimously. Next meeting at 6 PM, Tuesday November 16, 2010, at Bernalillo Town Hall.

Submitted by Kristi Winters

Debbie Kilfoy, Board Secretary