

## EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

### Minutes of Regular Meeting 11 May 2010

1. Call to Order at 6:05 PM.
2. Pledge of Allegiance led by Chairman Reyes.
3. Roll Call by Larry Blair; all present.
4. Chairman's report: Chairman Reyes stated that at some point, ESCAFCA is going to have to make a decision on whether or not to hire employees versus using contractors. He stated that Larry Blair intends to fulfill his contract but at some point ESCAFCA will need to find a replacement. Chairman Reyes also commented that ESCAFCA needs to discuss renting an office space. He feels a space is needed for filing capabilities and a place where the public can visit. Director Torres is looking into a space to rent at the Town of Bernalillo.
5. Approval of Agenda: Chairman Reyes asked to move Item 4 to after Item 7B. Motion to approve agenda made by Director Kilfoy; second by Director Sandoval. Passed unanimously.
6. Introduction of Guests: Michael Cadigan, Cadigan and Park, P.C., Ted Montoya, Coronado Soil & Water Conservation District (CSWCD); Scott Armstrong, Bohannon Huston; Will Ouellette, Coronado SWCD; Dennis Fortier, Self; Doris Faust, Self; Bob Gorrell, Self; Jock Embry, Self; Bela Orban, Placitas; JD Dominic, North Sound Consulting; Linda Sochall, Self; James Pike, Coronado SWCD.
7. Approval of minutes:
  - A. Regular meeting of 13 April 2010: Motion to approve minutes of regular meeting of 13 April 2010 made by Director Torres and second made by Director Kilfoy. Passed unanimously.
  - B. Special meeting of 27 April 2010: Motion to approve minutes of special meeting of 27 April 2010 made by Director Kilfoy and second made by Director Sandoval. Passed unanimously.
8. Legal Counsel Services: Approval of Agreement with Cadigan and Park, P.C.: Larry Blair noted that the memo identified two changes in the sample agreement that was in the RFP packet. These changes were the term was extended to five years instead of four, but is still renewable each year, which means that either party can withdraw at that time. The second change was that standard liability insurance is \$1M instead of the \$2M that was in the sample agreement. Larry Blair recommended a motion to approve Cadigan and Park, P.C. as counsel for ESCAFCA. Michael Cadigan pointed out that on page 3 of the contract, the duration is actually 4 years and that the change is actually from a 3 year contract to a 4 year contract. Director Sandoval asked how the renewal is done each year. Michael Cadigan stated that each year a contract extension is signed by both parties stating that the contract is renewed. Director Sandoval asked if Cadigan and Park, P.C. wanted to back out of the contract, would they have to give a written 30 day notice. Michael Cadigan stated that there was nothing in the contract about a notice but out of courtesy would give a 30 day notice. Linda Sochall asked if Cadigan and Park, P.C. was to withdraw from the contract, would Cadigan and Park, P.C. be required to share their records with the next firm. Michael Cadigan stated that all the records obtained are the property of ESCAFCA and all information would be handed over. Doris Faust noted that Cadigan and Park, P.C. came in second on the list of potential law firms and wanted to know why the first law firm on the list wasn't chosen. Larry Blair stated that the Board had a Special Meeting, and based on the interview and questions, the decision was made to choose Cadigan and Park, P.C. Doris Faust asked if the law firm contracts would be online for the constituents to review. Larry Blair stated that the contract is public record and will be put online. Motion to approve agreement with Cadigan and Park, P.C. made by Director Kilfoy and second made by Director Sandoval. Passed unanimously.

9. Professional Engineering Services: Approval of First One Year extension with Fred Aguirre. Larry Blair stated that Fred Aguirre submitted a letter to extend his contract for a second year. Larry Blair recommends the Board approve Fred Aguirre for a second year. Director Sandoval asked if Fred Aguirre has indicated how long it was going to be until completion of the policy and asked if responses were sent to those that had questions. Larry Blair stated that Fred Aguirre and he responded in writing to everyone that sent comments. Larry Blair stated that he encouraged everyone to look on the website for the 2<sup>nd</sup> draft and send in any additional comments. In some cases, Larry Blair sent hard copies of the 2<sup>nd</sup> draft (e.g. Sandoval County). Larry Blair stated they haven't heard anything back on the second draft. He would like to get a couple of other agencies comments. Chairman Reyes asked that Larry Blair set up a round table meeting with the Town of Bernalillo and Sandoval County to discuss the drainage policy. Motion to approve First One Year extension with Fred Aguirre made by Director Sandoval and second made by Director Torres. Passed unanimously.
10. Public Relations: Approval of First One Year extension with Griffin and Associates. Larry Blair stated that two changes had been made to Griffin and Associates contract. The first change was on Item 1A: Update on ESCAFCA's website, the dollar amount last year was \$2000 and this year the dollar amount is \$4000. The second change is on Item D: PR Support. The dollar amount last year was \$9500 and this year the dollar amount is \$7500. Larry Blair recommends the approval of the one year extension of Griffin and Associates. Director Torres asked how the work was billed. Joan Griffin answered that she bills her work as she works on the project. Director Torres requested to see a breakout of rates before a decision is made on the extension of the contract. Motion to defer First One Year extension with Griffin and Associates made by Director Kilfoy and second made by Director Torres.
11. Public Records Inspection:
  - A. Adoption of Notice of Right to Inspect Public Record: Motion to approve Adoption of Notice of Right to Inspect Public Record made by Director Kilfoy; second made by Director Torres. Passed unanimously.
  - B. Designation of Larry A. Blair as Records Custodian: Motion to approve Designation of Larry A. Blair as Records Custodian made by Director Sandoval; second made by Director Torres. Passed unanimously.
12. Financial Report/Quarterly Review: Larry Blair discussed corrections made to last month's report.
13. Audit Services: Briefing on process to Select an Auditor: Larry Blair reported that the State Auditor's office has a list of approved auditors we can request proposals from. Larry Blair and Gary Young will request quotes from 3 auditors, and make a recommendation to the Board. Director Sandoval asked how long the list of auditor's was. Larry Blair indicated around 30-40 were on the list. Larry Blair stated the due date for the audit to be complete is December 1, 2010.
14. Drainage Policy: Discussion covered under Item 9.
15. Engineering Reports
  - A. Bernalillo Levee; Deb Foley, Corps of Engineers: Deb Foley reported that on February 1, the budget was released for Fiscal Year 2011. She was pleased to announce that the Bernalillo Levee project was included in the President's budget. The fiscal year for the Federal Government begins on October 1 and it is anticipated to see the money in January to start the project. Deb Foley explained that the first \$100,000 of the feasibility phase is covered by the government. After the first \$100,000 the cost is shared with a local sponsor, per agreements which will be signed. Director Torres asked if there was anything that would help with this process. Deb Foley suggested continuing to write letters to the congressional delegation. Michael Cadigan suggested inviting the NM Congressman to board meetings.
  - B. Task Orders: Wilson & Co.: Larry Blair reported on the task orders:  
**TASK ORDER 5 – Placitas Floodplain Mapping and Delineation**  
Analysis and report for the remainder of the Arroyos is on-going.

**TASK ORDER 6 – Roadway Drainage Structures**

Preliminary Design Plans for Tecolote Roadside Ditch Improvements were provided to the Board at the April 13<sup>th</sup> Board Meeting. We are awaiting review comments, if any, from the Board, to proceed with final design. Once review comments are provided, final plans, specifications and engineer's estimate will be provided within two weeks.

**TASK ORDER 7 – Athena Avenue Detention Facility and Drainage Outfall Feasibility Study**

A pond grading concept has been developed. Borings will be taken to determine water table elevations in the area. WCI is preparing final drawings of pond improvements to provide to the Town of Bernalillo for information. A coordination meeting will be scheduled with the Town of Bernalillo.

**TASK ORDER 9 – Los Romeros Road Conveyance Facility Feasibility Study**

A draft report of the feasibility study will be available to ESCAFCA on May 12<sup>th</sup> for review and comment. As suggested, some additional informational meetings may be necessary to inform affected landowners of the preliminary study findings.

**TASK ORDER 10 – Mid-Bernalillo Diversion Channel Facility Feasibility Study**

Several options have been developed and reviewed with the Mayor. Parcel ownership information is to be provided this week for review. WCI is awaiting selection of final options to proceed with a draft feasibility report. This task order may require additional fund, to coordinate with all landowners.

**Task Order 11 – Las Huertas Creek Prudent Line Assessment and LOMR**

Review of the gradation information for the sediment samples collected during the field reconnaissance is on-going. Hydraulic and sediment-transport analysis is on-going.

16. Vacant Board Position: Proposed Letter to Governor: Chairman Reyes stated that he would like the Board to recommend to the Governor to appoint Bob Gorrell to fill the vacant seat. Bob Gorrell addressed the Board on his qualifications. He also intends to run for the position in the November election.
17. Board Election: Update: Larry Blair reported that ads were being placed in the ABQ Journal and the Signpost advertising the board election. Three ads will be placed in the ABQ Journal as required on three different Tuesdays. Copies of the petition were available to the public. The requirement is to have 50 signatures to get a name on the ballot. The petition is due June 27, 2010, at 4:00 PM. The drawing will be held at 4:15. Director Kilfoy will need to be present, as Secretary of the Board.
18. Staffing Discussion: Employees vs. Contractors: Discussed under Item 4.
19. Old Business: None
20. New Business: None
21. Executive Engineer's Report
  - A. MRCOG LiDAR mapping: Larry Blair reported an airplane has flown the area from Valencia County to Algodones. The complete package is due in September. Larry Blair suggested to the Board to consider becoming a member of MRCOG.
  - B. Surety Bond renewal for Board Members is coming up on the bills for next month.
  - C. Coronado Soil and Water Conservation District: James Pike gave an update on the Coronado Soil and Water Conservation District. Its proposal to impose a ¼ mill levy failed by a 10 to 1 margin.
22. Public Comment: Bela Orban stated that he appreciated the help Larry Blair has given him but wanted to know what legal bindings Larry had to give information regarding ESCAFCA. Michael Cadigan stated that since Larry Blair is the Executive Engineer and acts on behalf of ESCAFCA, he is within legal rights to speak on ESCAFCA's behalf. Doris Faust wanted to know an update on Task Order 12. Larry Blair responded that they had not heard anything from the Federal DOT. Doris Faust would like to see updates on task orders on the website. Doris Faust expressed concern on how much the Board was charging per diem. She asked for an explanation of the amount of per diem's.

Dennis Fortier asked how one would acquire information on a list taxing authorities. Michael Cadigan suggested he write to the State Legislator and that he was not aware of this kind of list.

23. Adjourn at 7:48 PM. Motion to adjourn made by Director Kilfoy; second by Director Sandoval. Passed unanimously. Next meeting Tuesday June 8, 2010, 6 PM, at Bernalillo Town Hall.

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Submitted by Kristi Winters

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Debbie Kilfoy, Board Secretary