

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Regular Meeting 21 June 2011

**1. Call to Order at 6:00 PM**

**2. Pledge of Allegiance led by Chairman Reyes**

**3. Roll Call: All present**

**4. Approval of Agenda:** Motion to approve agenda made by Director Torres; second by Director Sandoval. Passed unanimously.

**5. Introduction of Guests:** Erik Harrigan, RBC Capital; Mal Bentz, Algodones Neighborhood Association; Nonnine, Algodones Neighborhood Association; Marvin Mendelow, Algodones; Doris Faust, self. Others not signed in: JoAnn English, Orin Safier, Stephen Barro.

**6. Chairman's Report:** Chairman Reyes complimented Mike Castillo on the changes made to the format of the agenda.

**7. Approval of Minutes:** Working Session and Regular Meeting of 17<sup>th</sup> of May 2011: Motion to approve Working Session and Regular Meeting of 17<sup>th</sup> of May 2011 made by Director Sandoval; second by Director Torres. Passed unanimously.

**8. Discussion and Action:**

8.1. Operating Rule No. 5, Records Management: Item deferred. Mr. Castillo stated he would like more time to review the document.

8.2. Designation of Michael Castillo as Records Custodian: Motion to approve designation of Michael Castillo as Records Custodian made by Director Torres; second by Director Sandoval. Passed unanimously. Mr. Castillo stated that the majority of the records have been transferred to the new office.

8.3. Resolution 2011-13 Appreciation to Town of Bernalillo: Motion to approve Resolution 2011-13 Appreciation to Town of Bernalillo made by Director Sandoval; second by Director Torres. Passed unanimously. A roll call vote was taken with 3 in favor.

Chairman Reyes – yes

Director Torres – yes

Director Sandoval – yes

8.4. Resolution 2011-14 Appreciation to Southern Sandoval County Flood Control Authority: Motion to approve Resolution 2011-14 Appreciation to Southern Sandoval County Flood Control Authority made by Director Sandoval; second by Director Torres. Passed unanimously. A roll call vote was taken with 3 in favor.

Chairman Reyes – yes

Director Torres – yes

Director Sandoval – yes

8.5. Resolution 2011-15 Appreciation to Albuquerque Metropolitan Arroyo Flood Control Authority: Motion to approve 2011-15 Appreciation to Albuquerque Metropolitan Arroyo Flood Control Authority made by Director Sandoval; second by Director Torres. Passed unanimously. A roll call vote was taken with 3 in favor.

Chairman Reyes – yes

Director Torres – yes

Director Sandoval – yes

8.6. Bond Sale – Presentation, Erik Harrigan – RBC Capital: Erik Harrigan made a presentation to the Board on a Plan of Finance and Sale Alternatives for Series 2011 Bonds, in the amount of \$3 million.

8.6.1. Resolution 2011-19 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority: Motion to approve Resolution 2011-19 to proceed with application to NMFA made by Director Torres; second by Director Sandoval. Passed unanimously. A roll call vote was taken with 3 in favor.

Chairman Reyes – yes  
Director Torres – yes  
Director Sandoval – yes

8.7. Approval of contract with Modrall Law firm for Bond Counsel Services: Director Torres inquired why there were not at least 3 proposals from different firms for comparison purposes. Mr. Cadigan stated that the Procurement Regulations permit a Professional Services contract under \$50,000; that the Modrall firm is pre-eminent in the field of Bond Counsel; had served ESCAFCA on the 2009 Bond Sale, and that the price the Modrall Law Firm quoted was a fair price. Motion to authorize the Executive Engineer to execute the contract with Modrall Law Firm for Bond Counsel Services made by Director Torres; second by Director Sandoval. Passed unanimously.

8.8. Griffin Contract for Website Services: Mr. Castillo explained to the Board that the Griffin contract was to update and revamp the website. In response to Directors questions, he stated he would get a letter from Joan Griffin defining the scope of services. Director Torres and Director Sandoval both expressed they would like to see the website kept more current and up to date.

### **9. Consultant Engineer's Report – Wilson & Co. – Discussion and Action**

9.1. Project Status Report - Dan Aguirre presented the project status report to the Board. Director Sandoval asked for the status of the Pipeline Study. Mr. Blair reported that the next step is to physically walk the arroyo with the two more pipeline companies to identify the location and depth of their lines and any hazards that are developing. He stated that the work plan states that Wilson & Company will identify potential fixes.

#### **9.2. Task Order Updates**

9.2.1. Approval of Task Order Amendment 4 to Task Order #5, Placitas Flood Plain Analysis and Flood Plain Re-Delineation: Director Torres asked if ESCAFCA could legally expand funds outside of its authority. Counsel Cadigan stated yes it was legal. Chairman Reyes asked how many properties would be taken out of the flood plain. Angela Valdez stated that she did not have a final number, but approximately 500 properties would be taken out of the flood plain. Motion to approve Task Order Amendment 4 to Task Order #5, Placitas Flood Plain Analysis and Flood Plain Re-Delineation made by Director Torres; second by Chairman Reyes. Two in favor, one opposed.

9.2.2. Approval of Amendment #2 to Task Order #10, Mid-Bernalillo Conveyance Feasibility Study: Motion to approve Amendment #2 to Task Order #10, Mid-Bernalillo Conveyance Feasibility Study made by Director Torres; second by Director Sandoval. Passed unanimously.

9.2.3. Approval of Amendment #2 to Task Order #14, Misc. Engineering for FY 2011: Motion to approve Amendment #2 to Task Order #14, Misc. Engineering for FY 2011 made by Director Sandoval, second by Director Torres. Passed unanimously.

9.2.4. Approval of Task Order #16, Miscellaneous Engineering for FY 2012: Motion to approve Task Order #16, Miscellaneous Engineering for FY 2012 made by Director Torres, second by Director Sandoval. Passed unanimously.

9.2.5. Approval of Task Order #17, Miscellaneous Administrative Services for FY 2012: Motion to approve Task Order #17, Miscellaneous Administrative Services for FY 2012 made by Director Sandoval, second by Director Torres. Passed unanimously.

9.2.6. Approval of Task Order #18, Athena Pond and Collection System Preliminary Plans: Motion to approve Athena Pond and Collection System Preliminary Plans made by Director Sandoval; second by Director Torres. Passed unanimously.

9.2.7. Approval of Task Order #19, Preliminary Hydraulic and LOMR for Rio Grande in Bernalillo: Motion to approve Task Order #19, Preliminary Hydraulic and LOMR for Rio Grande in Bernalillo made by Director Torres; second by Director Sandoval. Passed unanimously.

### **10. Accountants Report Discussion and Action**

10.1. April Financial Report: Accountant Modesto Tapia briefed the board on the April Financial Report.

10.2. May Financial Report: Modesto Tapia briefed the board on the May Financial Report.

10.3. Approval of Resolution 2011-16 FY 2012 Operations Budget Adjustment: Motion to approve Resolution 2011-16 FY 2012 Operations Budget Adjustment made by Director Sandoval; second by Director Torres. Passed unanimously. A roll call vote was taken with 3 in favor.

Chairman Reyes – yes

Director Torres – yes

Director Sandoval – yes

10.4. Approval of Resolution 2011-17 FY 2012 Ad Valorem Tax Levy for Operating Fund: Motion to defer Resolution 2011-17 FY 2012 Ad Valorem Tax Levy for Operating Fund made by Director Torres; second by Director Sandoval. Passed unanimously.

10.5. Approval of Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund: Motion to defer Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund made by Director Torres; second by Director Sandoval. Passed unanimously.

### **11. Executive Engineer's Report**

11.1. General – Information: Mr. Castillo reported that good progress is being made on the work progress chart. He stated that the office is operational and the computers are working. He stated he is getting good response from the Engineers and the bank. He is currently working on the records management and attending numerous meetings.

11.1.1. EPA Watershed Based Permit Letter: Mr. Castillo reported on the EPA Letter to Chairman Reyes, informing that ESCAFCA will be included in the Watershed-based stimulus permit. He is continuing to follow the issue. Several entities in Sandoval County, including ESCAFCA, proposed to EPA to be excluded from the urban-oriented permit, but EPA said no.

11.1.2. Draft NPDES Watershed-Based Permit Proposed by Southern Sandoval County Entities: Copies provided to the Board for reading.

11.1.3. General Update

### **12. Public Comment (Limit to 3 minutes):**

Mel Bentz stated that the citizens in Algodones feel left out and invited the Board to answer questions at their Neighborhood Association meeting. He stated he did not know how ESCAFCA advertised their meetings because there was no information on the website. He asked for a copy of Task Order 9, since it was completed.

Marvin Mendelow stated that since the people in Algodones are paying for projects, he would like to understand what is going on. He invited the Board to attend the Neighborhood Association meeting on Saturday, June 25 at 2:00. Chairman Reyes stated he would attend the meeting to answer questions. Doris Faust requested the Board provide copies of mailout documents for constituents to be able to follow during the meetings and that the Open Meetings Act allows this.

**13. Adjourn:** Motion to adjourn made by Director Sandoval; second by Director Torres. Passed unanimously. Meeting adjourned at 8:25 PM

Regular meeting 6 PM, Tuesday 19 July 2011, at Bernalillo Town Hall

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Submitted by Kristi Winters

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Wayne Sandoval, Board Secretary

Audio recording is on file.