

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Regular Meeting 16 November 2010

1. Call to Order at 6:01 PM.
2. Pledge of Allegiance led by Chairman Reyes.
3. Roll Call: Director Sandoval, yes; Director Kilfoy, yes; Director Gorrell, yes; Chairman Reyes, yes. Director Torres was not present.
4. Chairman's report: Chairman Reyes stated that he felt the workshop meeting held on November 9, 2010, was productive. He mentioned that the requests for information continue and that the cost to answer is about \$10,000 having been paid to ESCAFCA consultants.
5. Approval of Agenda [m/o]: Chairman Reyes asked to have Items 11 and 12 moved to just before public comment. Larry Blair stated that he received a phone call from Dr. Mellon to remove Item 9. Chairman Reyes stated the request was denied. Director Gorrell asked if Larry Blair could add an update on the e-mail and web information in the Executive Engineer's report. Motion to approve agenda as amended made by Director Kilfoy; second by Director Sandoval. Passed unanimously.
6. Introduction of Guests: Director Gorrell introduced Sandoval County P&Z Commissioner Mike Lucero. Director Sandoval introduced Tony Lucero with the Sandoval County Las Huertas Creek Land Grant. Larry Blair introduced Michael Sharp with Research & Polling, Inc. Others in attendance are Orin Safier, self; Steve Barro, self; Scott Armstrong, Bohannon Huston; Carol Parker, self; Doris Faust, self; JoAnn English, self; Joan Lucero, self; James Pike, self, and others not signed in.
7. Approval of minutes:
 - a. Regular meeting of September 14, 2010 [m/o]: Larry Blair stated that Director Gorrell had provided a requested change to the minutes regarding the use of bond funds for floodplain map revisions. The requested change referred to language in the bond question that dealt with use of bond funds for construction of stormwater facilities. Director Gorrell maintained that using bond funds for floodplain map revisions is inappropriate. Director Gorrell made a motion, seconded by Director Sandoval, to adopt the minutes as amended with his proposed language. During discussion, Mr. Blair stated that he had listened to the audio recording, and rewrote the change to include all of the language in the bond question to put the issue into context. Director Gorrell stated that Mr. Blair's revisions are still not acceptable, and would like the specific bond question language regarding the use of bond funds for other than "channels, dams, and appurtenances useful or convenient for the interception and transportation of flood waters" to be answered. Michael Cadigan stated that the minutes should summarize with reasonable accuracy. A vote was taken on Director Gorrell's motion with Director's Gorrell and Sandoval voting yes and Chairman Reyes and Director Kilfoy voting no; the motion failed on a tie vote. Motion to approve the minutes as presented made by Director Sandoval; second by Director Kilfoy. Director Kilfoy, Director Sandoval, and Chairman Reyes approved; Director Gorrell opposed. Motion approved.
 - b. Regular meeting of October 19, 2010 [m/o]: Motion to approve the minutes of the Regular meeting of October 19, 2010 made by Director Gorrell; second by Director Kilfoy. Passed unanimously.
8. Discussion: Financial Report [m/o] – No comments on the financial report.
9. Discussion/Action: Districting of ESCAFCA
 - a. Briefing on the Process: Director Gorrell asked what the issue of districting was. Director Kilfoy and Chairman Reyes both stated that when ESCAFCA was formed, the understanding was that the representation would be, 2 from Bernalillo, 2 from Placitas, and 1 from Algodones. With the new Directors both being from Placitas, there is not equal representation. Counsel Cadigan clarified that the statute does not require, nor does it prohibit, the distribution stated by Director Kilfoy and Chairman Reyes. Michael Sharp from Research and Polling, Inc. briefed the Board on the Districting / Redistricting of ESCAFCA. Michael Sharp stated that the Census data has to be released by April 1, 2011. Chairman

Reyes allowed public comment to ask questions to Michael Sharp. Doris Faust asked if there was any benefit to redistrict prior to April 1, 2011. She stated that she felt it was wasteful to spend \$30,000 before any data had been released. She stated that she felt it was prudent that the Board wait. Michael Cadigan elaborated on the reasons that AMAFCA had converted from At Large to Districted Board Members, including such factors as population, ethnicity, and geography. Mr. Cadigan mentioned applicable state and federal laws.

Mike Lucero asked why AMAFCA changed from an At Large district, why it changed, and if it had to go to the Legislature for the change. Michael Cadigan stated that there was a voting rights act lawsuit against AMAFCA because it disenfranchised minority votes. Mr. Lucero asked what the lawsuit required. Michael Cadigan stated it required AMAFCA to district. Mr. Lucero asked if it had to go to the Legislature. Mr. Cadigan stated that it had to go to the Legislature.

b. Motion to Proceed: Director Kilfoy made a motion to move forward with Districting and to amend the budget to cover the costs; second by Director Sandoval. Director Gorrell made it clear that he does not approve of this motion and feel that it contradicts what was voted for. Director Kilfoy, Director Sandoval, and Chairman Reyes approve; Director Gorrell opposed.

10. Approvals: ESCAFCA Operating Rules

a. No. 1 Processing Invoices [m/o]: Larry Blair discussed some changes he made to No. 1 Processing invoices. Motion to approve No. 1 Processing Invoices made by Director Sandoval; second by Director Kilfoy. Passed unanimously.

b. No. 2 Board Member/Constituent Requests for Services from Contractors [m/o]: Larry Blair discussed the changes he made in No. 2 Board Member/Constituent Requests for Services from Contractors. Director Gorrell suggested a few changes. Motion to approve No. 2 Board Member/Constituent Requests for Services from Contractors as amended made by Director Sandoval; second by Director Kilfoy. Passed unanimously.

c. No. 3 Preparing and Publicizing the Agenda [m/o]: Larry Blair discussed the changes he made to No. 3 Preparing and Publicizing the Agenda. He added item #8 to the rules. Director Gorrell questioned Item #3 and suggested that the 2 week timeframe be changed to 10 days and Item #5 be changed to 7 days. Motion to approve No. 3 Preparing and Publicizing the Agenda as amended made by Director Gorrell; second by Director Sandoval. Passed unanimously.

11. Discussion: Prudent Line Policy [m/o]: Larry Blair stated he underlined and highlighted parts of the policy where it states ESCAFCA's responsibility. He would like the Board to review and make comments.

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

a. Briefing on Report – Larry Blair briefly reviewed report. Mr. Blair had copies of the report for the public. Copies were provided to the Board last month for review and comment.

b. Release to public and public meetings. The report will be made available at upcoming public meetings, and also on the website. Director Gorrell asked if it was a good idea to combine the public meetings on the Prudent Line with the Pipe Line Safety meetings. Mr. Blair stated maybe not and the presentation adjustments could be made if needed.

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

a. December 14 meeting: Approval of Election Canvass will take place.

b. January 3, 2011: Swearing In of Directors will occur. Mr. Blair will make arrangements.

14. Discussion/action: Executive Engineer position

a. Results of Recruitment [applications received] [m/o] Larry Blair stated that there were 14 applicants.

b. Approval of Process and Timetable, including Special Meeting[s] [m/o] After discussion, it was decided that a score sheet would be used to score each applicant.

Recess at 7:59 PM. Reconvened at 8:03 PM.

c. Approval of Professional Engineering Services Agreement form [m/o] Mr. Blair explained that the form provided will be the basic form to be used, but may be changed after legal review and negotiation with a candidate. Board comments are welcome.

15. Discussion: Projects

a. Task Order Report and Project spreadsheet [m/o]: Larry Blair reviewed the task order report and project spreadsheet.

b. Review of priorities: Larry Blair reviewed a priorities spreadsheet.

c. Sample Project information Sheet: Camino de la Ciruela [handout]: Larry Blair reviewed a sample of the project information sheet. Director Gorrell stated it that it was a good report and that it painted a high level snapshot of the projects.

16. Discussion: Pipeline Grant

a. Pipeline Safety Conference: Report: Larry Blair discussed his trip to the Pipeline Safety Conference. He stated he was able to get a lot of information regarding pipelines.

b. Next steps: Larry Blair stated public meetings in will be held starting December in Placitas. Prudent Line is the key to the whole pipeline issue. Director Gorrell stated he would like to get commitments from other organizations.

17. Discussion: Drainage Task Group progress report: Director Gorrell discussed the drainage task group progress report.

18. Action: Meeting schedule

a. Special meeting re: Executive Engineer selection: Meeting to discuss Executive Engineer selection will be 03 December 2010 in Council room at 2:00.

b. Regular meeting : 14 December 2010 in Council room at 2:00

c. 2011 meetings: Suggest Third Tuesday each month: Larry Blair stated that he felt the third Tuesday of each month would be a better day to have the monthly meetings. New Board Members elect, Doris Faust and JoAnn English stated they would both be available for the meetings on the third Tuesday of each month. Motion to change the meeting time to the third Tuesday of each month made by Director Gorrell; second by Director Kilfoy. Passed unanimously.

19. 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: Mr. Blair stated that he briefed the Las Placitas Association on the prudent line study.

c. 01 Dec 2010 Middle Rio Grande Flood Control Association breakfast, 0700, 4 Hills Country Club

20. Public Comment [limit to 3 minutes]: Doris Faust asked how many people were receiving e-mail notifications of the meetings. Joan Griffin stated that a couple hundred e-mails were being sent out. Mike Lucero offered some comments about responsibilities of elected officials.

Tony Lucero had questions regarding the map and which properties would be affected by the prudent line and stated he would like more information supplied to the Sandoval County Las Huertas Creek Land Grant.

21. Adjourn at 9:33 PM. Motion to adjourn made by Director Kilfoy; second by Director Gorrell. Next regular meeting 6 PM, Tuesday 14 December 2010, at Bernalillo Town Hall.

Submitted by Kristi Winters

Debbie Kilfoy, Board Secretary

Audio recording is on file.