

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Regular Meeting 08 December 2009

1. Call to Order at 3:03 PM.
2. Pledge of Allegiance led by Director Kilfoy.
3. Roll Call by Larry Blair; all present.
4. Approval of Agenda: Director Kilfoy asked for Item 12a, New Business (Election of Board Officers) be moved ahead of Item 8. Chairman Reyes asked how important it was to join the Council of Governments. Larry Blair responded that it was not critical to join and that this was a tabled item and would not be discussed again unless someone from the board wanted to revisit it. Motion to approve agenda as amended made by Director Kilfoy and second made by Director Sandoval. Passed unanimously.
5. Introduction of Guests: Rhonda Leonard, La Puerta Real Estate; Orin Safier, Placitas Resident; James O’Pike, Coronado Soil and Water Conservation District; Len Seward, Placitas; Doris Faust, Placitas; Jim Beverly, Self; Ken Koch, Self; Lynn Koch, Self; Raul Araujo, Town of Bernalillo; William Favret, Self; Scott Armstrong, Bohannon Huston Inc.
6. Chairman’s Report: Chairman Reyes reported that it had been a busy week with a lot of PR work. He had an interview with the Albuquerque Journal and the article came out in Saturday’s paper.
7. Approval of minutes
 - a. Regular meeting of 10 November, 2009: Motion to approve the minutes of regular meeting of November 10, 2009, by Director Kilfoy; second by Director Dennison. Passed unanimously.
8. Financial Report: Larry Blair stated that the Operating Fund balance is almost \$37,000 and that ESCAFCA should be in good standing for the rest of the year. He also mentioned that the Project Fund has \$2.85M still remaining in that account. \$150,000 has been paid out for Engineering work. The Debt Service Fund has \$100.00 in it to keep the account open until tax revenue is received. Gary Young has made arrangements for the treasurer to transfer money electronically to the accounts as the tax receipts come in. In the January meeting, a recap of the first six months of the fiscal year will be given in more detail. Chairman Reyes requested that Gary Young give a quarterly update rather than monthly updates on the financials.
9. New Business
 - a. Election of Board Officers: Director Kilfoy motioned to retain the current officers for the next year. Chairman Reyes asked for Larry Blair to state the names of the current officers. Larry Blair stated Chairman Sal Reyes, Secretary of the Board is Debbie Kilfoy, Treasurer of the Board is Jack Torres and the Vice Chairman is Dan Dennison. Director Sandoval seconded the motion. Passed unanimously.
10. Engineering Reports:
 - a. Drainage Policy: Larry Blair for Fred Aguirre; Larry Blair stated that Fred Aguirre provided him a draft of the Drainage Policy which he is currently reviewing, and will provide a copy of it in the board packet for next month. Chairman Reyes asked what the next steps of the Drainage Policy would be. Larry Blair responded that the board would get a copy; then determine if changes need to be made and if a workshop needs to be set up. Director Sandoval asked if the public would be able to review and comment on the policy and asked if there would be an Intergovernmental agreement. Larry Blair stated that after the policy is reviewed and finalized by the Board, ESCAFCA would distribute it to other agencies such as the Town of Bernalillo, Planning and Zoning Commission and other agencies with whom ESCAFCA might want to seek comments from and get into Intergovernmental agreements with. Larry Blair also stated that the other agencies would have to buy into this in order to execute an agreement with them. At the same time, the policy would be made available to the public, and public

meetings held to solicit comments. When the policy is finally adopted, the Intergovernmental agreements can be done. Larry Blair stated the process could take about 3 months depending on the type of feedback is given.

b. Task Orders: Wilson & Co.: Items to review in mailout. Chairman Reyes asked if the Task Order for the San Antonio/Ciruela Project had been submitted for Board approval. Chairman Reyes stated that after having a meeting with the Engineers and the residents, it was determined that there are flooding issues and a separate Task Order was warranted. Larry Blair stated that Angela Valdez and Steve Salazar would do some preliminary hydrologic work to define the drainage area and what the flows and volumes are. They can perform this without a Task Order. If a Task Order is needed, it will be presented at the next meeting. Angela Valdez gave a summary on the drainage problems in this area. Director Dennison stated that ESCAFCA should apply for a Pipeline Safety Grant. Larry Blair stated that all the forms had been downloaded and that Angela Valdez and Larry will be preparing the Grant documents.

TASK ORDER 5 – Floodplain Mapping and Delineation

Preliminary report is complete and approximately 70% complete and Wilson is in the process of setting up plan sheets for the FIRM exhibits to be included in the FEMA submittal. Work still needed for plan sheets includes calculation and delineation of floodways for the various channels.

TASK ORDER 6 – Roadway Drainage Structures

Design for the Juniper Road structure is complete.

Design of improvements at Tecolote Road structure is 50% complete. Some concerns have arisen regarding the extent of desired improvements to the roadway structure. Further discussions with Sandoval County will be necessary prior to final design.

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

Feasibility analysis has been put on hold pending further progress on Mid-Bernalillo Diversion Study.

TASK ORDER 8 – Las Huertas Creek Drop Structure near Windmill Road

Analysis has been put on hold pending further progress on Las Huertas Creek Prudent Line Study.

Task Order 9 – Los Romeros Road Conveyance Facility Feasibility Study

Topographic survey is complete. Project to be delayed until Mid-January.

Task Order 10 – Mid-Bernalillo Diversion Channel Facility Feasibility Study

Survey to establish existing grades to commence in early December.

c. Bernalillo Levee: Deborah Foley, PE, Corps of Engineers not present. Larry Blair stated that there was nothing new to report on this item.

11. Press Release/Public Relations: Joan Griffin reported that the press release went out last week and that it had also been sent to the homeowners association. The press release is also posted to the website and has been sent by e-mail to the people who have signed up for updates. Director Sandoval commented that the press release did not cover projects ESCAFCA is working on and issues being addressed in the ESCAFCA region. He feels it is very important that we let the homeowners know that ESCAFCA is hearing listening to the concerns that are being brought up. Chairman Reyes requested that for the next ESCAFCA regular scheduled meeting, he would like to have the bond council prepare a presentation addressing the concern that the constituents have and a presentation on how everything was calculated and figured. At that time, questions and comments will be opened to the public. Director Dennison stated that he feels a working committee under ESCAFCA be formed to find solutions where there are opportunities to explore. Larry Blair stated that a committee must be limited to two Board members. Director Sandoval stated that he feels the committee should be equally made up between the homeowners and the ESCAFCA Board Members. Director Dennison agreed to lead a committee with the help of Director Torres. Larry Blair suggested it be called a Task Force, as it would have a limited scope and life.

12. Old Business

a. Meeting Time and Place: Concerns were expressed about the time and location of the ESCAFCA meetings. Doris Faust commented on constituents having to take personal time off of work to attend and opined that ESCAFCA would get more people involved if the time was changed to non-business hours. Jim Beverly commented that he felt that more participation would happen if the meetings were held in the evenings. Suggestions were made to hold the ESCAFCA meetings in different areas, such as the church in Placitas, Town of Bernalillo, Sandoval County Courthouse. Suggestions were also made to post notices in different places, such as the Post Office and at local churches. Larry Blair stated that the meetings are being advertised in the Sign Post for the second Tuesday of every month. He also stated that a Notice is posted with the agenda in accordance with our Open Meetings Resolution. Comment was made that today's meeting was not on the website. Joan Griffin stated that she will correct the error and it will be up next month.

13. Executive Engineer's Report: a. Larry Blair stated that he would be briefing the Planning and Zoning Commission, Thursday December 10 at 6:00PM. He will be giving a general briefing on ESCAFCA and that if anyone wanted to attend it would be at the Sandoval County Courthouse. ESCAFCA is now on the League of Women Voters' list of Government organizations. The League of Women's Voters has asked Larry to provide them the terms of the Board. b. Larry Blair stated that at next month's meeting, the Board will review the mid-year budgets, contract renewals and open meeting resolutions. A board packet will be sent out to be reviewed prior to next month's meeting. Chairman Reyes asked that Eric Harrigan give a presentation on the finances.

14. Public Comment: Orin Safier stated that he is gratified that Director Dennison and Director Sandoval brought up the mill levy tax and hopes that this task force shows more action than words. He stated that citizens will not let this drop, and applaud the formation of the new task force. Jim Beverly stated that he applauded Director Dennison's effort. He stated that he wanted to remind ESCAFCA of their purpose, which is to promote health, safety and prosperity. He hopes that the new task force works on considering and maintaining the prosperity that is in its enabling legislation. Doris Faust suggested that citizens be included in the task force and expressed concern on how the task force was going to be formed. She also has grave concerns about the legality of the bonds that were sold and if there are illegal bond issues. She expressed concern on whether or not ESCAFCA breached its fiduciary duty on the general obligation bond at 4.54% interest rate. She questions what the proper notice is under the Open Meetings Act and if ESCAFCA is following the guidelines and not violating the act. Chairman Reyes asked that all questions regarding the bond be held until next meeting when Erik Harrigan can give a full presentation. He stated that he would allow Director Dennison and Director Torres to decide how the new task force is going to be made up. Lynn Koch addressed a comment that was made about the people from Bernalillo and Algodones getting involved. She stated she was the originator of the petition and has hundreds of signatures from people in Bernalillo and in Rio Rancho. She stated that she is a big resource for people and tries to give factual information. Director Sandoval stated that he was referring to all areas involved, not just one particular area to help make up the new task force. Rhonda Leonard commented that she felt the last meeting people felt that it was unclear and that there was no transparency. She feels that if the new task force does not involve the community, ESCAFCA is not being transparent and that if the constituents are to believe what is going on with ESCAFCA, they need to be involved. Director Dennison stated that he feels a group from the community needs to be involved. Director Torres stated that it was his understanding that only two board members and people from the community would make up the new task force. Jim Pike commented that there is a lot of property in Bernalillo County that cannot be taxed, such as the Indian Reservations. He wants people to understand that this land cannot be taxed for this levy.

15. Adjourn: Motion to adjourn made by made by Director Kilfoy; second by Director Torres. Passed unanimously. Meeting adjourned at 4:25 PM.

Next meeting January 12, 2010 at Sandoval County Courthouse 6:00 PM

Submitted by Kristi Winters

Debbie Kilfoy, Board Secretary