

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Special Meeting of Monday, 25 January 2011

1. Call to Order at 6:01 PM
2. Pledge of Allegiance led by Chairman Reyes.
3. Roll Call: All present; Doris Faust showed at 6:13 PM.
4. Approval of Agenda [m/o] Larry Blair stated Item 8 was added after the published agenda. Motion to approve Agenda made by Director Torres; second by Director English. Passed unanimously.
5. Chairman's report: Chairman Reyes stated that this meeting was to select the next Executive Engineer and that this was a very important decision for the Board.
6. Executive Engineer Interviews: Each applicant made a 5 minute opening speech, then answered questions by each Board member.
 - 6:10 PM: Mike Castillo
 - 6:40 PM: Don Lopez
 - 7:10 PM: Paul Brasher
 - 7:40 PM: Augustine Grace
7. Discussion/Action
 - a. Tabulation of Interview results: Each Board member ranked the candidates from 1 through 4 on the handout instruction sheet. The sheets were then tabulated by Mr. Blair and checked by Ms. Winters and Mr. Cadigan. Mr. Blair read the tabulation of interview results, as follows: Mike Castillo, #1, Don Lopez, #2, Augustine Grace, #3, and Paul Brasher, #4.
 - b. Motion to Authorize Chair and Legal Counsel to negotiate a contract: Motion to Authorize Chair and Legal Counsel to negotiate a contract made by Director Faust; second by Director English. Passed unanimously.
8. Discussion: Secretary of State letter of January 4, 2011, and ESCAFCA response [handout][added item]: Chairman Reyes stated that the letter to the Secretary of State was in response to Mike Neas' letter. He stated that the ESCAFCA response was reviewed by Counsel Cadigan, Mr. Blair, and himself. He apologized to Director Faust for not sending a copy of the complaint earlier. He assured the Board that in the future, everyone would receive the information timely. Director Faust expressed concern that the response was not authorized by the Board. She asked for clarification on the management team. Director Sandoval stated that he didn't have a problem with the response that was sent but asked for clarification on Director Faust's question. Director English stated that she thought this situation was handled very poorly. She stated that she didn't feel the management team has the authority to act for the majority of the Board. She wants to protest how this was handled and that she felt ESCAFCA was given bad advice. She stated the letter was very "in your face" and very offensive. She asserted that ESCAFCA needs a change in the management team and asked to have an action item and to discuss the termination of Michael Cadigan's contract at the next Board meeting. Director Torres stated that it was his expectation to have Legal Counsel answer letters of this nature. He stated that he didn't feel it was within his expertise and knowledge to respond to a legal complaint. He stated he felt that the response from Counsel was appropriate and felt it was appropriate for Counsel to work with the Chair and the EE on the response.

Director Faust clarified that she didn't feel it was the Board's responsibility to prepare the response on any legal matter. She stated she felt the Board should have voted on it and had a discussion regarding the contents of the letter.

Chairman Reyes stated that on routine matters the management team consists of Mr. Blair. On legal issues, the management team consists of the Chairman, legal Counsel, and the EE. He stated that he didn't feel that it would have been practical for the Board to have made a response by committee. He stated Legal Counsel is hired to handle situations like this.

Mr. Blair stated that the original letter went to him and after reading it, he felt that it was a reiteration of the public records request that he had already received and responded to. He stated that almost the entire letter had to do with information prior to 2009, so he provided basic information from the previous IPRA requests, but referred the legal questions to Counsel. He stated that the complaints are all prior to 2009; and since 2009, he has had no complaints about transparency.

Director Faust asked if this was litigation and if the Chair was acting by himself, could he bind the Board to a settlement agreement.

Counsel Cadigan clarified that this was not litigation. He then defined the role of the Chair of the Board, and "President" of the "quasi-municipal corporation", and referred to others legal authorities to outline the Chair's responsibilities for day-to-day management.

Director Sandoval thanked Mr. Cadigan for drafting the letter.

Director Faust asked for better communication in the future. She stated she was concerned that there is an inner circle and an outer circle of the Board.

Director Torres requested that all ESCAFCA mail get sent to everyone's ESCAFCA e-mail accounts.

9. Public Comment: Barbara Longeway stated that she felt the letter to the Secretary of State was offensive and obnoxious. She stated that what she heard from Mr. Cadigan was that Mr. Reyes was Chairman, but everyone else was potted plants. She stated that she didn't feel everyone on the Board was potted plants and she feels everyone on the Board has important talent and respects the Board. She stated that a letter from the Secretary of State is not an everyday item.

10. Adjourn at 8:25 PM. Motion to adjourn made by Director Sandoval; second by Director Torres. Passed unanimously.

Next meeting 6 PM, Tuesday February 15, 2011, Town of Bernalillo Council Chambers

Submitted by Kristi Winters

Doris Faust, Board Secretary

Audio recording is on file.