

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Regular Meeting 19 July 2011

1. Call to Order at 6:10 PM

2. Pledge of Allegiance led by Chairman Reyes

3. Roll Call: Chairman Reyes, present; Director Torres, present; Director Sandoval, absent.

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

5. Introduction of Guests: Kevin Powers, RBC Capital Markets; Mel Bentz, ANAI; Rifka Blum, Bohannon Huston; Bill Vreeke, self; Marvin Mendelow, self. Others not signed in, JoAnn English.

6. Chairman's Report: None

7. Approval of Minutes: Regular Meeting of 21st of June 2011: Motion to approve Regular Meeting of 21st of June made by Director Torres; second by Chairman Reyes. Passed unanimously.

8. Discussion and Action:

8.1. Approval of Resolution 2011-17 FY 2012 Ad Valorem Tax Levy for Operating Fund: Motion to approve Resolution 2011-17 FY 2012 Ad Valorem Tax Levy for Operating Fund made by Director Torres; second by Chairman Reyes. Passed unanimously. A roll call vote was taken with 2 in favor.

Chairman Reyes – yes

Director Torres – yes

8.2. Approval of Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund: Director Torres asked if the 3rd line of Section 1, included the lands East of I-25. Mr. Cadigan stated that it applied to both sides of I-25 and suggested the Board add an amendment clarifying that the boundaries include the excluded areas. Motion to approve Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund made by Director Torres; second by Chairman Reyes. Motion to amend Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund to include the words “including the excluded areas” and to change the year 2009 to 2011 in paragraph 2, made by Director Torres; second by Chairman Reyes. The amendment passed unanimously. Motion to approve Resolution 2011-18 FY 2012 Ad Valorem Tax Levy for Debt Service Fund, as amended, made by Director Torres; second by Chairman Reyes. Passed unanimously. A roll call vote was taken with 2 in favor.

Chairman Reyes – yes

Director Torres – yes

8.3. Approval of Resolution 2011-19, Ratification of Actions Taken on July 28, 2008 in response to the Attorney General's Letter dated June 17, 2011; to include approval of the project list of projects submitted by Wilson & Co. in July 2008, approval of submission to the voters a 2.5 mil levy for ESCAFCA projects: Chairman Reyes asked Mr. Cadigan to read from page 2 of Resolution 2011-19 out loud for the record. Motion to amend Resolution 2011-19, Ratification of Actions Taken on July 28, 2008 in response to the Attorney General's Letter dated June 17, 2011 made by Director Torres; second by Chairman Reyes. Motion to approve Resolution 2011-19, Ratification of Actions Taken on July 28, 2008 in response to the Attorney General's Letter dated June 17, 2011 to change the date June 17, 2010 to July 28, 2008, made by Director Torres; second by Chairman Reyes. Passed unanimously. Motion to approve Resolution 2011-19, Ratification of Actions Taken on July 28, 2008 in response to the Attorney General's Letter dated June 17, 2011, as amended, made by Director Torres; second by Chairman Reyes. Passed unanimously. A roll call vote was taken with 2 in favor.

Chairman Reyes – yes

Director Torres – yes

8.4. Appointment of additional Board Member to join Executive Engineer on Investment Committee per Investment Policy: Motion to appoint Chairman Reyes to the Investment Committee made by Director Torres; second by Chairman Reyes. Passed unanimously.

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

9.1. Anticipated Project Schedule: Mr. Castillo presented the anticipated project schedule to the Board, and emphasized that it is very much a working document.

9.2. Project Status Presentation: Angela Valdez presented the project status report to the Board.

9.3. Approval of new Task Order #20 – South Hill Road Drainage Improvements: Chairman Reyes stated he would like for the task order to include the assessment and possibilities of using areas East of I-25. Mr. Castillo stated that he plans to meet with Wilson & Company and Sandia Pueblo for further discussions. Director Torres asked if Mr. Castillo had an estimate on the project. Mr. Castillo gave a rough estimate of \$1.2M, but will have a better estimate at the next Board meeting. Motion to approve Task Order #20 – South Hill Road Drainage Improvements made by Director Torres; second by Chairman Reyes. Passed unanimously.

10. Accountants Report Discussion and Action

10.1. June 30, 2011 Financial Report: Accountant Modesto Tapia briefed the board on the June 30, 2011 Financial Report. Motion to accept the Financial Reports of June 30, 2011 made by Director Torres; second by Chairman Reyes. Passed unanimously.

10.2. June 30, 2011 Bank Reconciliations: Modesto Tapia briefed the board on the June 30, 2011 Bank Reconciliations: Motion to accept the Financial Reports of June 30, 2011 made by Director Torres; second by Chairman Reyes. Passed unanimously.

10.3. Response to DFA Financial Information Request: After brief discussion, motion to authorize the Chairman to sign the Response to DFA Financial Information Request made by Director Torres; second by Chairman Reyes. Passed unanimously.

11. Executive Engineer's Report: Mr. Castillo suggested to the Board to possibly have a Work Session before the next Board meeting.

11.1. Watershed-Based MS4 Pilot Permit Stakeholder Meeting Minutes: Mr. Castillo stated that he is attending the meetings and making no commitments. Copies provided to the Board for informational purposes.

11.2. Placitas LOMR Funding Question response: Mr. Cadigan stated that at the last Board meeting, Director Sandoval asked him to prepare a legal opinion to the Board and to the Public whether it is permissible for ESCAFCA to spend money to prepare LOMR's for Placitas, given the secession of Placitas. He stated that based on law from around the country, ESCAFCA's statute, and based on the fact Placitas continues to pay on the bond, he finds that ESCAFCA has no obligation to do it, but it is permissible.

11.3. MRCOG Membership Application: Mr. Castillo stated that the membership fee is \$1,500 which is less than what was budgeted. Motion to approve MRCOG Membership Application made by Director Torres; second by Chairman Reyes. Passed unanimously.

11.4. Newspaper Article concerning taxes: Larry Blair presented a newspaper article regarding AMAFCA's dispute with DFA. Copies provided to the Board for informational purposes.

12. Public Comment (Limit to 3 minutes):

Mel Bentz asked if Mr. Castillo had hard copies of his presentation to the Board, if current projects had milestone charts, if the website was going to be updated, and stated that the estimate Mr. Castillo had for the Algodones Conveyance seemed lower than what was originally anticipated. In response to Mr. Bentz's questions, Mr. Castillo stated that all the numbers and dates are estimates at this point and that he will become more definitive in his answers in the next few months. Mr. Castillo stated the website is being worked on and will be updated within the next month or so.

Marvin Mendelow stated that he was having trouble figuring out how much interest was being paid on the bonds and how much interest ESCAFCA is receiving from the bank. He stated he would like to see public involvement on the feasibility and scoping studies. Chairman Reyes stated he would like to give a presentation at the next Community meeting in Algodones. Mr. Mendelow asked if ESCAFCA could

work more closely with other agencies like MRGCD. Chairman Reyes stated that ESCAFCA is currently working with various agencies on different projects.

13. Adjourn: Motion to adjourn made by Director Torres; second by Chairman Reyes. Passed unanimously. Meeting adjourned at 7:30 PM.

Regular meeting 6 PM, Tuesday 16 August 2011, at Bernalillo Town Hall

Submitted by Kristi Winters

Wayne Sandoval, Board Secretary

Audio recording is on file.