

EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

Minutes of Special Meeting of Monday, 03 January 2011

1. Call to Order at 6:00 PM
2. Pledge of Allegiance led by Chairman Reyes
3. Swearing In of Directors JoAnn English and Doris Faust: JD Dominick performed the swearing in of JoAnn English and Doris Faust. Both read the oath.
4. Roll Call – All present
5. Approval of Agenda [m/o]: Larry Blair stated he wanted to add an informational item under Engineer's Report to the agenda. Doris Faust stated she would like support for legal opinion that Counsel Cadigan gave regarding persons living with someone on the Board cannot be living with someone interested in being affiliated with ESCAFCA. Chairman Reyes suggested Director Faust to e-mail Counsel Cadigan for an answer. Motion to approve Agenda as amended made by Director Torres; second by Director Sandoval. Passed unanimously.
6. Chairman's report – None
7. Introduction of Guests: Larry Blair introduced James Grubel from Michael Cadigan's office. Doris Faust introduced her husband Lloyd and daughter Miranda. Mike Neas, Self; Bob Cherry, Self; Orin Safier, Self; Rhon & Madgone Martin, Self; Stephen Barro, Self; Ron Overley, Sundance Mesa; Jock Embrey, Self; Barbara Longeway, Self.
8. Approval of minutes: Regular meeting of December 14, 2010 [m/o]: Director English asked Counsel for clarification on Item 10 of the ESCAFCA Procurement Regulations regarding contemporaneous employment. Counsel James Grubel asked to defer question to Counsel Cadigan. Chairman Reyes suggested Director English to e-mail Counsel Cadigan for clarification. Director English asked for clarification on dates for Prudent Line Meeting. Mr. Blair stated that there are two meetings in January because the December meeting was cancelled due to snow. Director English asked about the public comment from Karen Kenney. The meeting minutes state that Chairman Reyes stated that districting had been discussed in previous meetings. She stated that she had looked through all the prior meeting minutes and cannot find where districting was discussed. Director Torres stated that he remembered districting being discussed in the November meeting. Chairman Reyes stated that formal discussion was in the November meeting and the minutes need to be updated and reflect districting was discussed in the November 12 Board meeting. Motion to approve minutes of Regular meeting of December 14, 2010 as amended made by Director English; second by Director Faust. Passed unanimously.
9. Action: Election of Board Officers for CY 2011
 - a. Chair – Motion to reelect Chairman Sal Reyes as Chairman made by Director Torres; second by Director Sandoval. Chairman Reyes accepted the nomination. Passed unanimously.
 - b. Vice Chair – Motion to reelect Director Wayne Sandoval as Vice Chair made by Director Torres; second by Director English. Director Sandoval accepted the nomination. Passed unanimously.
 - c. Secretary – Doris Faust asked what the responsibilities of the Secretary entailed and if it required separate meetings on a regular basis. Larry Blair stated that position requires the signing of documents and that separate meetings would not be on a regular basis. Motion to elect Director Doris Faust as Secretary made by Director Sandoval; second by Director English. Director Faust accepted the nomination. Passed unanimously.
 - d. Treasurer – Motion to reelect Director Jack Torres as Treasurer made by Director Sandoval; second by Chairman Reyes. Director Torres accepted the nomination. Passed unanimously.

10. Action: Resolution 2011-1 Open meetings Standards [m/o]: Larry Blair stated that ESCAFCA was required to pass an open meetings resolution at the start of each year. Mr. Blair passed out documents with Counsel Cadigan's comments. Mr. Blair recommends approval as amended by Counsel Cadigan. Director Faust requested to add e-mail notification as a requirement to the Open meetings resolution. She stated that constituents shouldn't be required to visit the website for information on ESCAFCA meetings. Chairman Reyes stated that he was against adding e-mail notifications to the Open meetings resolution. Director Torres expressed concern regarding additional cost of e-mailing everyone and legal ramifications if someone does not receive notification. Motion to defer action on Resolution 2011-1 until next meeting with clarification on additional cost of e-mails and legal ramifications made by Director Torres; second by Director Faust. Passed unanimously.

11. Action: Amendment 3 to Task Order No.5 [m/o]: Larry Blair stated that the Amendment 3 to Task Order No. 5 was due to additional engineering effort to provide additional information and analysis at FEMA reviewer's request; additional shipping and printing expenses; additional fee to cover \$5,300 FEMA review fee for second LOMR submittal and purchase of electronic data (FEMA Kit) and FIS Study information needed for LOMR. Mr. Blair stated that he felt it was necessary for the Board to approve the additional funds. Director Sandoval clarified that for each FEMA submittal, ESCAFCA had to pay \$5300. Director Faust asked what the engineering increase of \$9,272 entailed. Mr. Blair stated that due to previous submittals, FEMA asked for additional information, which resulted in additional fees. The increase in funds is due to the anticipation of FEMA requesting additional information. Director Sandoval asked if ESCAFCA doesn't need the additional money will they still be paying the fee. Mr. Blair stated that the money will not be used if it's not necessary. Director English asked how many homeowners were being removed from the floodplain. Dan Aguirre stated that there were 219 structures being moved out of the floodplains, but does not know what type of structures they are. Motion to approve Amendment 3 to Task Order No. 5 made by Director Sandoval; second by Director Torres. The motion carried with four in favor and Director Faust opposing.

12. Action: Amendment 1 to Task Order No. 11 [m/o]: Larry Blair stated that Amendment 1 to Task Order No. 11 was for Additional engineering analysis effort to complete LOMR submittal to FEMA and provide additional information and analysis at FEMA reviewers request; additional printing and shipping expenses; additional fee to cover \$5,300 FEMA review fee and purchase of electronic data (FEMA Kit) and FIS Study information needed for LOMR. Director Faust stated she felt these task orders were getting more and more expensive and seemed very precise for an estimate. She stated she hasn't seen a cost benefit analysis on these particular projects. She stated that she hasn't seen with scientific certainty that the prudent line study is going to be a tremendous benefit to anyone in the district and is having a hard time supporting more money being spent on these projects. Based on this information, she stated she was inclined to oppose this amendment. Director English asked that on Las Huertas Creek, how many people will be taken out of the floodplain. Dan Aguirre stated that the 219 structures was including Las Huertas Creek. Chairman Reyes asked if Wilson & Company could identify each property affected. Dan Aguirre stated that with the aerial photos used, they could break it down by arroyos but to break it down by property line, it would be a large expenditure. Larry Blair stated that with the aerial photo, the structures can be identified but the property cannot be identified. Director Torres asked why the engineering fee was much higher on this task order. Dan Aguirre stated that Las Huertas is much larger, there was more to do, and there was still paperwork that needed to be completed. Director English asked if Wilson & Company could provide the Board a task and hour breakdown, which would help answer a lot of questions regarding the task orders. Motion to approve made by Director Torres; second by Director Sandoval. The motion carried with four in favor and Director Faust opposing.

13. Discussion: The Year 2011 [m/o]

a. Administrative Actions:

- 1) Districting is a priority action because of the legislature long session.
- 2) EE contract is being advertised and is due January 12, 2011.
- 3) Accountant contract is to be advertised to have an accountant on board by March.
- 4) Bond sale is deferred and a decision will be made by Spring.
- 5) Budgeting for FY2012 will start in March.

b. Engineering Actions:

- a) Rio Grande Levee Project Corps of Engineers (COE) is waiting on the President's budget. There is no bill to reference yet. Chairman Reyes stated that Bernalillo has been put on the new start list for levee projects. Mr. Blair stated that the first \$100,000 will be paid by COE to do the initial feasibility study. If the initial COE study is positive, a full feasibility study will be a 50/50 cost share and the total cost could be as high as \$2M. Director Faust asked if other entities such as the County, the Town of Bernalillo, and the Conservancy District have been contacted to cost share. Mr. Blair stated that all of the entities have been contacted.
- b) Athena Pond – multi-use facility. Wilson & Company is doing additional work to identify measures that are needed to collect storm drainage and put it into the pond. Administratively, ESCAFCA has begun working with the TOB to develop a memorandum of understanding of who will be responsible from this point forward.
- c) Tecolote Drainage – small project in Placitas. Director English asked who owned the property. Mr. Blair believes that the County owns enough ROW that this project could be built.
- d) Mid Bernalillo Conveyance – system to drain Piedra Liza Dam and parts of Bernalillo. Director Faust asked if there was a potential need to acquire property for this project. Larry Blair stated that existing public ROW is being researched to minimize acquisition. Director Faust expressed concern about acquiring property. Director English asked if ESCAFCA has looked into other funding sources to help pay for this project. Chairman Reyes stated that since day 1, ESCAFCA has recognized that its funding was limited and that the needs have exceeded what the funding was. The philosophy has been that ESCAFCA will be a catalyst for these projects and take the lead in the planning of these projects and hopefully attract partners to work with. Director Faust stated that this project was \$10M. Larry Blair stated that the \$10M was based on a pretty substantial acquisition of right of way. He is in hope that this number will decrease. Larry Blair does not know where other funding will come from. Director Torres stated that all of these jobs will require joint funding and that the only way these projects will work is if ESCAFCA has cooperation.
- e) Las Huertas Prudent Line & LOMR – the Prudent Line study predicts how the creek is going to behave over a 30-year period of time and the 100 year event's primary objective is to keep it as natural as possible.
- f) Pipeline Grant - \$50,000 grant to look at the pipeline issue. Three public meetings have been set to review the Prudent Line Study and pipeline safety issues, and answer questions. Information meeting is January 11. Second meeting is January 26 and the third meeting is on February 22. All meetings are at the Placitas Community Center at 7 PM. Director Sandoval thanked Larry Blair and Angela Valdez for driving in the snowstorm to get to the first meeting that was cancelled.
- g) Drainage Policy & Regulation – Director Gorrell provided comments which identify significant differences and philosophies that need to be discussed. One difference is that Fred Aguirre proceeded based on the premises that ESCAFCA was going to get involved in the regulatory process. Director Gorrell's comments are that ESCAFCA back away and let the County enforce its own regulations. Chairman Reyes suggested that ESCAFCA needs to have serious meetings

with the County. Director Faust suggested ESCAFCA look to see what regulations the County has in place and see if there are conflicting mandates.

- h) Placitas Floodplain LOMR's – Previously discussed in items 11 and 12.
- i) Placitas Co-op projects – Currently deferred. The County wanted participation but they have no funding. Director Sandoval stated that everyone needs to get involved in what the County is doing. He asked that everyone be a voice for ESCAFCA and attend the County meetings. He stated that the County is approving money for Rio Rancho but cannot find money to help fund the ESCAFCA projects. Director English asked what the status of the Algodones project was. Mr. Blair stated that the report identifying a possible project is nearing completion.

14. Engineers Report: Larry Blair informed the Board that the Council of Governments will be acting upon our request to become a member. Any Board members that would like to attend the COG meeting on January 13 are invited. Chairman Reyes asked Mr. Blair to send out an e-mail with more information. Larry Blair informed the Board of an e-mail from Mike Neas and made sure the Board was aware that the e-mail asked that all Board members and Mr. Cadigan received a copy.

15. Public Comment: Ron Overley asked if the 219 homes were single family homes, chicken coops, or horse barns. Dan Aguirre stated that by the aerial photos, it cannot be positively determined what the structures are.

Barbara Longeway asked how the special meetings are noticed to the public. Mr. Blair stated that the special meetings are unplanned meetings that are called by the Chair or the Board and that 96 hours advance notice has to be given. She cautioned the Board on saying they could only post the notices on the website or by e-mail. She asked if the notices could be posted in the Signpost. Mr. Blair stated that the meetings are posted in the Signpost. She also asked the Board if the public comment could be each item that requires a vote. Director Faust suggested public comment be before a vote is taken so that the public can give input. Director Faust apologized for not asking for public comment before the votes were taken earlier.

Bob Gorrell suggested that the Board attend the County of Sandoval meetings and that the local planning needs to happen. He stated that there is no reason Board members could not address what they want done. Chairman Reyes asked Mr. Gorrell when he could present a draft of his report. Mr. Gorrell stated he is ready to present the report and to let him know when he can present it. Chairman Reyes stated he could present it at the next Board meeting.

Mike Neas commented that he would like an explanation on Director Sandoval's term and if it was done legally.

Jock Embry encouraged the Board on the e-mailing process announcing Board meetings.

16. Adjourn at 8:04 PM. Motion to adjourn made by Director Sandoval; second by Director Torres. Passed unanimously.

Next meeting 6 PM, Tuesday January 18, 2010. Town of Bernalillo Council Chambers

Submitted by Kristi Winters

Doris Faust, Board Secretary

Audio recording is on file.