



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
November 20, 2008**

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**1. Call to Order and Roll Call**

Chairman Hernandez called the Regular Board Meeting to order at 10:02 a.m., Thursday, November 20, 2008. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Janet Saiers (arrived late) Director Tim Eichenberg Director Ronald D. Brown Director Daniel Lyon
Directors excused:	None
Others present:	John Kelly, Executive Engineer Christina Anaya, Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

Chairman Hernandez introduced Kevin Troutman, AMAFCA's new GIS Technician. The Board welcomed him. Mr. Troutman stated he was glad to be at AMAFCA.

**2. Approval of Agenda**

Director Brown made a motion to approve the agenda. Director Lyon seconded the motion, which passed (4-0). Mr. Kelly noted there was a handout on agenda item 15.

**3. Meetings Scheduled**

- a. December 18, 2008, 10:00 a.m. – Regular Meeting
- b. Special Meeting to Swear in Directors – Time and Date TBD
- c. January 22, 2009, 10:00 a.m. – Regular Meeting

Chairman Hernandez stated that he had an unavoidable conflict with a 10:00 a.m. meeting time on Thursdays from January through May, 2009. Consensus of the Board was to not change the scheduled meeting times at this time.

Mr. Kelly stated that attorney Christina Anaya had researched the question of the date of the Special Meeting to swear in the re-elected Directors. Her letter had been provided to the Board.



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Chairman Hernandez noted that the swearing-in could be held January 5, 2009, if January 2, 2009 were to be declared a "non-business day" at AMAFCA.

After brief discussion, consensus of the Board was to have the Special Meeting to swear in the Directors on Friday, January 2, 2009. The time will be set after the judges' schedules have been consulted, with 9:00 a.m., 10:00 a.m., and 4:00 p.m. suggested.

Director Saiers arrived at 10:07 a.m., during the discussion.

The meeting schedule was set as follows:

- a. **December 18, 2008, 10:00 a.m. – Regular Meeting**
- b. **January 2, 2009, time TBD – Special Meeting to Swear in Directors**
- c. **January 22, 2009, 10:00 a.m. – Regular Meeting**

**4. Approval of Minutes**

- a. **October 23, 2008**

Director Lyon made a motion to approve the minutes of the October 23, 2008 Regular Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

**5. Financial Matters**

- a. **Approval of October 2008 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the October 2008 Expenditure Report. In response to a question from Director Eichenberg about the Maintenance Worker ads, Ms. Jeffries stated that employment ads and legal notices are line ads, not display ads, and run twice a week (Wednesday and Sunday). Employment ads run for three weeks.

Responding to a question from Director Lyon, Mr. Kelly stated that the only issue the Bregman Law Firm is still working on is the I-40 condemnation. He anticipated there would be a status report on that matter at the December Board meeting. Robles, Rael & Anaya is not involved in the condemnation matter.

In response to a question from Director Eichenberg, Ms. Jeffries stated that the credit card charge for a fire extinguisher was for one of the trucks. The check was for annual servicing of the remaining fire extinguishers.



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Director Brown made a motion to approve the October 2008 Expenditure Report. Director Saiers seconded the motion, which passed unanimously (5-0).

**b. Investment Report for October 2008**

For information. There were no questions regarding the Investment Report.

**c. Financial Recap October 16, 2008, through November 15, 2008**

For information. Ms. Jeffries noted that in both the Operating Fund and Construction Fund, actual payments had exceeded the forecast figure because the Operating Fund forecast had not included several unexpected invoices that had come in (the second half of the Workers Compensation premium, and an invoice from the USGS for the NPDES monitoring), and in the Construction Fund, invoices for the Isleta Phase II project and the Garduño Road project final scope were received.

**d. Financial Forecast November 16, 2008, through December 15, 2008**

Ms. Jeffries presented the Financial Forecast for the period November 16, 2008, through December 15, 2008. She noted that the forecast includes payment of invoices for five payroll periods and benefits, which have finally been sent to AMAFCA by the City. The City had not billed us for several months.

Director Brown made a motion to approve the Financial Forecast. Director Lyon seconded the motion, which passed unanimously (5-0).

**e. Approval of Official Finding for Deletion of Certain Items from Inventory**

The memo from Ms. Jeffries stated that, as requested by the Board at the October meeting, she had prepared an Official Finding to remove items listed on the inventory lists that have an original value of \$500 or less. These items are still in use, but for ease in tracking the inventory, they will be deleted from the inventory lists. If approved by the Board, she will notify the State Auditor 30 days in advance of their removal from the lists.

Director Brown made a motion that the Board approve the removal of the listed items from the AMAFCA inventory list, and execute the Official Finding. Director Saiers seconded the motion, which passed unanimously (5-0). The Official Finding was circulated for the Board's signatures.



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**6. Legal**

**a. Status Report**

Attorney Christina Anaya briefed the Board on the status of various legal matters. In response to a question from Director Lyon about item 6 on the memo to the Board, Mr. Kelly explained the background of the inquiry and stated that Mr. Rael determined that this question was more of a zoning issue rather than a floodplain issue. Director Brown noted that the parcel involved in the inquiry had had about six different proposed uses in the past year.

**7. Executive Engineer Evaluation and Consideration of Increase in Compensation**

Director Saiers made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in Attorney General Madrid's document, "*The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens*," fifth edition, January 2004, to discuss personnel issues. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote. Chairman Hernandez closed the meeting at 10:25 a.m.

Director Brown made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (5-0), on a roll call vote. Director Brown stated that the Board had taken no action during the closed meeting, but had discussed personnel matters.

Chairman Hernandez re-opened the meeting at 11:04 a.m.

Director Brown made a motion that the Board take the action recommended by the Personnel and Salary Committee regarding the Executive Engineer's compensation. Director Eichenberg seconded the motion, which passed unanimously (5-0).

Mr. Kelly thanked the Board for their support, as well as those he has worked with in the past year, including AMAFCA staff, legal counsel, numerous consultants, and his peers at the City and County.

**8. Notification of On-Call Services Task Orders**

Mr. Kelly stated that in the past month, an on-call services task order had been issued to Bohannon-Huston, Inc. for professional engineering services for the Calabacillas Arroyo Grade Control Structure, Design through Award of Construction Bid, for a lump sum of \$22,500.00. It is in the budget for design this year and construction next year. Construction management services



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will be approved after the project is awarded. This is a construction project that can be moved earlier in the schedule if the Board so desires.

***Consent Agenda:***

At Director Eichenberg's request and with the Board's concurrence, Chairman Hernandez removed agenda item 10 from the consent agenda and placed it on the regular agenda.

Director Brown briefly left the meeting at 11:08 a.m., returning at 11:09 a.m., but missing the vote on the consent agenda items.

**9. FY 2008 Audit – Acceptance of Audit**

The memo from Ms. Jeffries stated that the State Auditor had released the FY-2008 Audit. Staff requested a waiver of the ten-day rule in order to provide copies of the audit to the Board in the mailout packet, which was granted. Upon acceptance by the Board, the audit will be sent to each of the bond rating agencies as well as to each Nationally Recognized Municipal Securities Information Repository as required under the Continuing Disclosure Undertaking related to AMAFCA's bonds.

**11. Consideration of First Extension of Agricultural Lease with Johnny Trujillo – Rutherford Property**

The memo from Loren Hines, AMAFCA Real Estate Manager, stated that Johnny Trujillo's lease on the Rutherford property was for one year, with up to three additional one-year periods. The first lease period is due to expire on December 31, 2008. Mr. Hines stated that Mr. Trujillo has complied with the terms of the lease, has taken good care of the property, and would like to extend the lease for another year. Mr. Hines recommended the Board authorize the Executive Engineer to execute a one-year extension of the lease.

**12. North Diversion Channel Gatewell – Authorization to Advertise for Construction Bids**

The memo from Kurt Wagener, AMAFCA Field Engineer, stated the North Diversion Channel Gatewell Project was ready for bid. The project will consist of two junction box structures at the North Diversion Channel. One of these is a gatewell. The project will make it easier for the crew to maintain the outlet of the "bathtub" area of the North Diversion Channel. The current engineer's estimate of the cost of construction is \$270,000 plus NMGRT. He requested authority to advertise the project for construction.



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There being no further items on the Consent Agenda, and there being no questions, Director Lyon made a motion that the Board take the following actions on agenda items 9, 11, and 12:

- Accept the FY-2008 Audit;
- Authorize the Executive Engineer to execute the Lease Option Extension Agreement with Johnny Trujillo; and
- Authorize the Executive Engineer to advertise for construction bids for the North Diversion Channel Gatewell Project.

Director Saiers seconded the motion, which passed (4-0).

***Regular Agenda:***

**10. North Diversion Channel Storm Water Quality Reconnaissance Study – Selection Advisory Committee Recommendation**

Mr. Kelly introduced Stephanie Moore and Jim Kelsey, of Daniel B. Stephens & Associates.

Mr. Kelly noted that the Selection Advisory Committee (SAC) recommended Daniel B. Stephens & Associates as the top-ranked firm for the project, of the seven firms submitting proposals by the deadline. Mr. Kelly briefly explained the North Diversion Channel Storm Water Quality Reconnaissance Study. He stated that Daniel B. Stephens & Associates is the environmental lead on a group that includes Mussetter Engineering, a fisheries biologist from Aquatic Consultants, Inc., and Bohannon Huston, Inc., as their civil engineering partner on the proposal.

Director Eichenberg thanked Mr. Kelly for the additional information on Daniel B. Stephens & Associates, and stated he would like to see their proposal. In response to a question from Director Brown, Mr. Kelly stated that there was some localized aggradation in the Rio Grande at the North Outfall, and general degradation further downstream.

Director Eichenberg made a motion that the Board accept the recommendation of the Selection Advisory Committee, and authorize the Executive Engineer to commence negotiations with Daniel B. Stephens & Associates per the New Mexico Procurement Code. Director Brown seconded the motion, which passed unanimously (5-0).

**13. Results of 2008 AMAFCA Elections**

Ms. Jeffries stated that she had provided the unofficial results of the 2008 Board of Directors Election and Bond Election. The Bernalillo County Clerk's Office had confirmed with her that the certificate of canvass will be available no later than December 5, 2008.



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Director Eichenberg noted that the ratio of early and absentee voting to election day voting was nearly 2.5 to 1.

**14. Albuquerque West Levee Reconstruction – Results of MRGCD Bid Opening**

Jerry Lovato, AMAFCA Drainage Engineer, stated that the Middle Rio Grande Conservancy District (MRGCD) opened bids for the Albuquerque West Levee Reconstruction on November 10, 2008. The lowest responsible bidder was RMCI, Inc., with a bid of \$4,512,238.97, which was 37% lower than the engineer's estimate of \$6,188,136.60. The MRGCD plans to award the contract at a special meeting on November 17, 2008.

He stated that AMAFCA can expect to be invoiced by MRGCD for our \$1,000,000 lump sum contribution to this project within the next thirty days.

In response to a question from Director Eichenberg, Mr. Lovato stated that part of the reason the construction cost was lower than the estimate was because 200,000 CY of the levee material will not have to be removed from the site and replaced, but can be re-used. The estimate assumed all levee material would be removed from the site.

Responding to a comment from Director Saiers, Mr. Lovato confirmed that when the MRGCD is reimbursed under the Corps of Engineers' 593 program, AMAFCA will be partially reimbursed. This will probably be five to six years from now. Mr. Kelly stated the 593 funding has been authorized but is not yet appropriated, so has not been included in the budget as a future revenue for AMAFCA.

**15. Storm Water Quality Education Coordinator Services – Selection Advisory Committee Recommendation**

Lynn Mazur, AMAFCA Development Review Engineer, introduced Patti Watson of Cooney, Watson and Associates.

Ms. Mazur stated that five firms submitted proposals on the re-advertised Storm Water Quality Education Coordinator Services RFP. The Selection Advisory Committee met on November 18, 2008, to score the proposals and conduct interviews with all candidates. Cooney, Watson and Associates was the top-ranked firm, with five of the seven SAC committee members ranking them first. She requested the Board accept the SAC's recommendation of Cooney, Watson and Associates as the Storm Water Quality Education Coordinator.

Director Saiers made a motion that the Board accept the recommendation of the Selection Advisory Committee and authorize the Executive Engineer to commence negotiations with



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Cooney, Watson and Associates per the New Mexico Procurement Code. Director Lyon seconded the motion, which passed unanimously (5-0).

**16. Martineztown Flood Relief / Post Office Pond – Briefing by John Castillo, Director, City of Albuquerque Department of Municipal Development**

Mr. Kelly introduced John Castillo, Director of the City of Albuquerque Department of Municipal Development.

Mr. Castillo stated that work had begun on the Post Office Interim Pond. He reported that excavation is complete. The first pipe connections will be complete by the end of November, with both pipe connections made by the end of the year.

He added that the City would like to approach the United States Postal Service about two parcels just to the north of the interim pond to see if they might become available for purchase. He stated he wanted feedback from the AMAFCA Board about AMAFCA's potential involvement before doing so, and requested their support for the expansion of the Post Office Interim Pond.

Discussion followed.

In response to a series of questions from Director Saiers, Mr. Castillo stated that if another site is located that will address the drainage needs of Martineztown, the Post Office Interim Pond can be filled in and the site sold. The funds received upon the sale of the property will be applied to other storm drainage needs. The current parcel was purchased for just under \$19/square foot. There have been no specific discussions about the other two parcels, so he did not know what the acquisition cost might be.

Responding to another question from Director Saiers, Mr. Castillo stated the City would be seeking additional state funding.

Mr. Kelly commented that preliminary estimates show a need for approximately 100 acre-feet of storage in Martineztown. The Post Office Interim Pond, at its current size, provides 17 acre-feet of storage. If the parcels to the north are used to expand the Interim Pond, and excavated to the invert of the wet well, there will be 60 acre-feet of storage in this one pond. The expanded Post Office Interim Pond and A.Q. Pond together would take care of most of the estimated storage needs in Martineztown.

Mr. Kelly stated that Mr. Castillo would like AMAFCA to partner with them 50-50 on acquisition and construction of an expanded Post Office Interim Pond, if discussions with the Post Office show the parcels are available.



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Mr. Kelly added that AMAFCA will be beginning the process of prioritizing needs in the next few months, as the FY-2010 Project Schedule is developed.

Responding to a question from Director Saiers, Mr. Kelly stated that AMAFCA had provided \$1 million for the Tingley Park Surge Pond, and had committed to up to \$1.9 million for the A.Q. Pond and tributary storm drains. \$1.1 million of the amount for the A.Q. Pond and tributary storm drains has been billed by the City so far. AMAFCA also has an agreement with the City for the Barelás Storm Drain Rehab and correction of the El Bordo siphon, for a lump sum of \$1.2 million. Work has not begun on this project.

Responding to a question from Director Lyon, Mr. Castillo stated that the City is in the process of determining priorities for the next two-year update of their ten-year plan. Roland Penttila stated about \$2 million is available in the 2009 plan for improvements in this district.

Mr. Castillo stated that, if the Board concurred, he would like to seek a 50-50 split with AMAFCA for acquisition and construction of an expansion of the Post Office Interim Pond to the north.

Director Eichenberg stated he was opposed to the Post Office Interim Pond and expansion of that pond because it serves no purpose other than water storage.

Chairman Hernandez stated that water storage, where storage is needed, is a good purpose.

Director Brown stated that he would like to see where the pond expansion would sit on the City's and AMAFCA's project priority lists. He suggested the City seek an option agreement on the two parcels, which could be done before funding is identified.

Director Saiers noted that AMAFCA and the City will be setting their spending priorities over the spring and summer, in conjunction with the preparation of AMAFCA's FY-2010 Project Schedule. Knowing those priorities will make it easier to make a decision regarding the expansion of the Post Office Interim Pond.

After further discussion, consensus of the Board was that they needed to wait before committing to being able to help with this project, due to uncertain economic conditions and the changing political climate in the state.

Mr. Castillo thanked the Board, stating that he wanted to keep the Board informed as to the City's intentions in the area by bringing this information to the Board early on in the process.



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**17. Coal Avenue Storm Drain – Briefing by Roland Penttila, Storm Drainage Design Manager, City of Albuquerque Department of Municipal Development**

Mr. Kelly introduced Roland Penttila, Storm Drainage Division Manager for the City of Albuquerque Department of Municipal Development.

Mr. Penttila briefed the Board on the Coal Avenue Storm Drain project, which was listed in AMAFCA's FY-08 Project Schedule at \$1,000,000 in FY-09. He stated that further study of the project area showed that additional work is needed downstream of the original project limits to handle increased flows. Correction of the drainage bottlenecks on Yale south of Coal, and at Bell and Buena Vista, will need to be done before the storm drain work along Coal Avenue. Correction of these bottlenecks will be "Phase I" of the Coal Avenue Storm Drain project.

Mr. Penttila requested that the \$1 million identified in FY-09 for the Coal Avenue Storm Drain be used on Phase I of the project, estimated to total \$2.63 million. He stated the City would like consideration for possible additional AMAFCA money to help pay for Phase II at a later date, perhaps as soon as FY-10, as AMAFCA is prioritizing projects for the FY-10 Project Schedule.

He noted that the City will be doing roadwork on Coal over the next ten years, and there is a cost savings to be had by doing the Phase II drainage work in conjunction with the transportation project.

Mr. Penttila stated that the construction of Phase I of the project will eliminate some floodplain in the area. He added that a draft cost share agreement could be brought to the Board in December. The design is about 65% complete, so construction could begin next spring and be complete just before the storm season. If the transportation project is delayed, construction of this project will also be delayed to take advantage of the cost savings available.

After further discussion, consensus of the Board was to have staff bring a draft cost share agreement to the Board for their review at the December meeting.

**18. Real Estate**

**a. La Cueva Arroyo East of Barstow – Approval of Quitclaim Deed to Llave Development, Inc.**

Loren Hines, AMAFCA Real Estate Manager, stated that AMAFCA's 2005 turnkey agreement with Llave Construction for channel improvements to the La Cueva Arroyo from 1,300 feet west of Ventura to Barstow required Llave to dedicate a 100-foot wide right of way to AMAFCA in fee simple. This right of way was deeded to AMAFCA on December 19, 2006.



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Mr. Hines stated that it was later determined that a portion of the parcel quitclaimed to AMAFCA is outside the 100-foot right of way and should not have been deeded to AMAFCA. Robert Keeran has requested that this portion be quitclaimed back to Llave.

Mr. Hines recommended that the entire parcel be quitclaimed back to Llave. Llave will re-plat the parcel and dedicate the correct parcel to AMAFCA, eliminating the need for a Warranty Deed. All documents would be recorded at the same time.

Director Eichenberg made a motion that the Board authorize the Chairman to execute a Quitclaim Deed to Llave Development, Inc., for the parcel deeded to AMAFCA on March 12, 2007, subject to the replat of the property as described. Director Brown seconded the motion, which passed unanimously (5-0).

**b. Notice of Issuance of Film Production Location License**

Mr. Hines stated that a film production location license had been issued for the filming of a scene for the television show "In Plain Sight" at the North Camino Channel west of I-25. It was a one-day event, and the approved fee of \$1,000 per day was collected.

**19. Field Highlights**

- a. Construction Report**
- b. Field Report**

Mr. Wagener presented a slide show of various projects, including final inspection of the VJW Storage pipe penetration to the Black Arroyo Channel, some "before and after" shots of repairs under the Agency/Area-Wide Flood Control Maintenance contract, riprap work on the Black Dam Water Quality Facility, excavation of the Post Office Interim Pond, warranty work following the one-year inspection on the Amole Arroyo Phase I project, and the 98<sup>th</sup> Street Surge Pond Dam, where the spillway and inlet structure are complete and the contractor has reseeded the area.

Other photos showed the UNM Hydraulic Lab Dedication, the final inspection of the North Diversion Channel Trail - Paseo del Norte to Alameda, and the one-year inspection of the ABCWUA Raw Water project.

The final photos showed the AMAFCA crew doing woody vegetation removal on the Rinconada Channel and other locations, and some full-depth repairs on the Rinconada Channel.

**20. Unfinished Business**

None.



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**21. New Business**

**a. AMAFCA 2008 Bond Committee Final Report**

Mr. Kelly stated that the AMAFCA 2008 Bond Committee had raised \$45,375, all of which was spent on advertising for the bond election campaign. The bond election passed at a 2.03:1 margin. By comparison, the 2006 committee raised \$38,000 to pass the bond in 2006. Thank-you letters to the committee were circulated for signature. Thank-you post cards will go from the Bond Committee to the individual contributors.

**b. Middle Rio Grande Flood Control Association Breakfast, Wednesday, December 3, 2008, 7:00 a.m.**

Mr. Kelly stated that the Middle Rio Grande Flood Control Association Breakfast will be Wednesday, December 3, 2008, at 7:00 a.m. at the Four Hills Country Club in Albuquerque. Board members who stated they would attend were Chairman Hernandez, Director Lyon, and Director Brown.

**c. Out of State Travel Request, World of Concrete, Las Vegas, Nevada, February 2-6, 2009**

Mr. Kelly stated he would like to send two crew members to the World of Concrete Conference and trade show in Las Vegas, Nevada, February 2-6, 2009. They would attend the Concrete Fundamentals and Concrete Repair tracks of the seminar. The conference has many onsite demonstrations and an extensive vendor area, including hands-on demonstrations.

Director Eichenberg made a motion that the Board authorize out of state travel and expenses for two AMAFCA crew members to attend the World of Concrete Trade Show in Las Vegas, Nevada, not to exceed \$2,500.00, pursuant to Resolution 1998-16. Director Brown seconded the motion.

In response to a question from Director Lyon as to why two crew members were going instead of just one, Mr. Kelly stated that with all the hands-on demonstrations and the huge trade show, two people were required to adequately cover the conference and trade show, in addition to attending the training classes.

Director Eichenberg stated that it was better to have two people attend, as they learn a lot by participating.



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The motion passed (4-0), with Director Lyon abstaining from the vote because he thought only one crew member should be sent.

**d. AMAFCA Holiday Schedule**

Mr. Kelly stated that the AMAFCA office will be closed on Thursday and Friday, November 27 and 28, 2008, for the Thanksgiving holiday. The office will also be closed on December 25, 2008 and January 1, 2009, in observance of those holidays.

He stated the office will be open on December 24, December 26, and January 2, but at a reduced staffing level. The maintenance crew will be on vacation beginning December 25, 2008, returning to duty on January 5, 2009.

**22. Items from the Floor/Public Comment**

None.

**23. Adjourn**

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 12:14 p.m.

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Tim Eichenberg, Secretary-Treasurer 12/18/08

Recorded by Pam Woodruff, Secretary to the Executive Engineer