



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
August 24, 2009**

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1. Call to Order and Roll Call

Vice Chair Saiers called the Special Board Meeting to order at 1:32 p.m. Monday, August 24, 2009. Roll was noted as follows:

Directors present:	Vice Chair Janet Saiers Director Danny Hernandez Director Tim Eichenberg Director Daniel Lyon
Directors excused:	Chairman Ronald D. Brown
Others present:	John Kelly, Executive Engineer Marcus Rael, Jr., Attorney Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Hernandez made a motion to approve the agenda. Director Lyon seconded the motion, which passed (4-0).

3. Items from the Floor/Public Comment

None.

Guests Vanessa Chavez, of the Robles, Rael, Anaya law firm, and Andres Sanchez, of HDR Engineering, were introduced.

4. AMAFCA North Diversion Channel Jurisdictional Determination

- a. Briefing on 404 Permitting**
- b. Further Discussion on Issues**

Mr. Rael gave a presentation to the Board on the Clean Water Act and 404 permitting. Mr. Rael, Mr. Kelly, and Jerry Lovato, AMAFCA Drainage Engineer, answered several questions from the Board.

Vice Chair Saiers stated that discussion of a matter which might lead to litigation would be in closed session.



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Director Hernandez 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. Director Eichenberg seconded the motion.

Vice Chair Saiers stated that the closed session would be for purposes of discussion only, regarding potential litigation. The motion passed (3-0), on a roll call vote. Director Lyon abstained from the vote.

Vice Chair Saiers closed the meeting at 2:33 p.m. Mr. Rael, Ms. Chavez, Mr. Kelly, and Mr. Lovato were asked to remain in the meeting.

Director Lyon made a motion to come out of closed session. Director Hernandez seconded the motion, which passed (4-0), on a roll call vote.

Vice Chair Saiers reopened the meeting at 3:06 p.m. She stated that the Board had taken no action during the closed meeting, but had discussed potential litigation.

5. Unfinished Business

None.

6. New Business

None.

7. Adjourn

There being no further business to come before the Board, Vice Chair Saiers adjourned the meeting at 3:07 p.m.

Danny Hernandez, Secretary-Treasurer 9/24/09

Recorded by Pam Woodruff, Secretary to the Executive Engineer