



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
January 7, 2010**

Page 1

1. Call to Order and Roll Call

Chairman Brown called the Special Board Meeting to order at 8:00 a.m. Thursday, January 7, 2010. Roll was noted as follows:

Directors present:	Chairman Ronald D. Brown Director Janet Saiers Director Danny Hernandez Director Tim Eichenberg Director Daniel Lyon
Directors excused:	None
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

There were no changes to the agenda. Director Hernandez made a motion to approve the agenda. Director Saiers seconded the motion, which passed unanimously (5-0). Mr. Kelly noted that he had a short report for the Board under agenda item 7, Unfinished Business.

3. Meetings Scheduled

- a. **Thursday, January 28, 2010, 10:00 a.m. – Regular Meeting**
- b. **Thursday, February 25, 2010, 10:00 a.m. – Regular Meeting**
- c. **Thursday, March 25, 2010, 10:00 a.m. – Regular Meeting**

There were no changes to the proposed meeting schedule.

4. Items from the Floor / Public Comment

None.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
January 7, 2010**

Page 2

5. Approval of Resolution 2010-1, *Open Meetings Standards*

The memo from Mr. Kelly stated that Resolution 2010-1, *Open Meetings Standards*, was the same resolution as in previous years, with the meeting dates updated for 2010. It had been reviewed by counsel.

Director Hernandez made a motion to approve and adopt Resolution 2010-1, *Open Meetings Standards*, and authorize the Chair and Secretary to execute the resolution on behalf of AMAFCA. Director Lyon seconded the motion, which passed unanimously (5-0) on a roll-call vote.

6. The Hahn Arroyo Project, Phase I – Consideration of Selection Advisory Committee Recommendation

Kevin Daggett, AMAFCA Storm Water Quality Program Engineer, stated that twelve proposals had been received for the Hahn Arroyo Project, Phase I. All were responsive. The Selection Advisory Committee met on January 6, 2010, and ranked Smith Engineering Company the highest. The Selection Advisory Committee recommended that the Board select Smith Engineering Company and authorize the Executive Engineer to commence negotiations for an agreement, per the New Mexico Procurement Code, and to consider the agreement at the January 28, 2010 meeting.

Director Hernandez made a motion that the Board accept the recommendation of the Selection Advisory Committee, authorize the Executive Engineer to commence negotiations with Smith Engineering Company, per the New Mexico Procurement Code, and consider approval of an Agreement for Engineering Services at the January 28, 2010 Board meeting. Director Saiers seconded the motion.

Discussion followed. In response to a question from Director Saiers, Mr. Kelly confirmed that open design services contracts which are not 75% complete, and work done for AMAFCA in the past three years, are included as a reverse-score 5-point element in the scoring process. Those who have done no recent work for AMAFCA get the full 5 points.

Replying to Director Eichenberg, Mr. Daggett also listed the members of the Selection Advisory Committee. Director Hernandez noted he attended but did not score the proposals.

Mr. Kelly introduced Pat Conley, of Smith Engineering, and Tom Parker, of CDM, both of whom were in the audience.

The motion passed unanimously (5-0).



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
January 7, 2010**

Page 3

7. Unfinished Business

Mr. Kelly gave the Board an update on the operating mill levy cap issue. He stated that a bill had been drafted by Legislative Counsel Services, and Senator Feldman had agreed to sponsor it. The bill seeks to raise the operating fund mill levy cap from 50 cents to one dollar per thousand, reducing the property tax pressure on residential properties, and will also update "workman's compensation" to read "worker's compensation." He expressed concern that the bill would open up all of Section 22 of AMAFCA's legislation to potential amendments. Section 22 governs the "additional powers of the Authority."

Extensive discussion followed. There was concern that legislators may not understand the issue that the existing operating fund mill levy cap causes, and citizens may view the bill as a "tax increase." The Board was also concerned that amendments could create substantial changes in AMAFCA's powers.

Consensus of the Board was that the 2010 30-day budget session was not a good time to introduce the bill. Marcus Rael, AMAFCA's attorney, will explore the option of making the mill levy cap change through a "friendly lawsuit" in District Court. In the alternative, the bill may be introduced in 2011 or a later year, perhaps as a "clean-up" bill.

Mr. Kelly stated that he and Mr. Rael will carefully study Section 22 of the AMAFCA legislation to identify what other language could be updated in a future "clean-up" bill. Consultation with the drafter of the legislation for SSCAFCA and ESCAFCA was also suggested.

8. New Business

Director Saiers noted that services for Mr. Kelly's father are tonight and tomorrow morning.

9. Adjourn

There being no further business to come before the Board, Chairman Brown adjourned the meeting at 8:39 a.m.

Ronald D. Brown, Secretary-Treasurer 1/28/10

Recorded by Pam Woodruff, Secretary to the Executive Engineer