

**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
April 22, 2004**

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

Chairman Eichenberg called the Regular Board Meeting to order at 9:02 a.m. Thursday, April 22, 2004. Roll was noted as follows:

Directors present:                      Chairman Tim Eichenberg  
   Director Daniel Hernandez  
   Director Daniel Lyon  
   Director Linda Stover (arrived late)  
   Director Ronald D. Brown (arrived late)

Others present:                              John Kelly, Executive Engineer  
   Sam Bregman, Attorney  
   Staff

Chairman Eichenberg stated that Director Ronald D. Brown was out of state but was expected to arrive later during the meeting. He also stated that Director Linda Stover had been sick and might be late to the meeting. A quorum was present.

**2. Approval of Agenda**

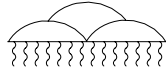
John Kelly, AMAFCA Executive Engineer, stated that there was a handout for Item 13, which showed the bid results on the Sediment Removal contract. He stated that Lynn Mazur's trip report on her conference in Austin was identified as New Business. He also stated that Item 23 included a letter staff had prepared in response to the Corps' Southwest Valley Project.

Director Hernandez made a motion to approve the agenda. Director Lyon seconded the motion, which passed unanimously (3-0).

**3. Meetings Scheduled**

- a.     **May 6, 2004, 9:00 a.m. – Fourth Workshop on Drainage Facility Planning Review**
- b.     **May 27, 2004, 9:00 a.m. – Regular Meeting**
- c.     **June 24, 2004, 9:00 a.m. – Regular Meeting**

Director Linda Stover arrived at the meeting at this point. After discussion, the Board revised the meeting schedule as follows:



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- a. May 6, 2004, 9:00 a.m. – Fourth Workshop on Drainage Facility Planning Review**
- b. May 27, 2004, 9:00 a.m. – Regular Meeting**
- c. June 23, 2004, 9:00 a.m. – Regular Meeting**

Director Stover made a motion to approve the revised meeting schedule. The motion was seconded by Directors Lyon and Hernandez in unison, and passed unanimously (4-0).

Chairman Eichenberg stated that rescheduling of the May 27 Regular Meeting would be considered at the May 6 Special Meeting.

**4. Approval of Minutes**

- a. March 17, 2004**

Director Hernandez made a motion to approve the minutes of the March 17, 2004 Regular Board Meeting. Director Lyon seconded the motion, and it passed unanimously (4-0).

- b. April 8, 2004**

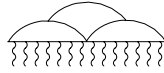
Director Hernandez made a request that Directors arriving late also be listed in the roll as late arrivals at the meeting. After discussion, Director Hernandez made a motion to approve the minutes of the April 8, 2004 Special Board Meeting as revised. Director Stover seconded the motion, and it passed unanimously (4-0).

**5. Financial Matters**

- a. Approval of March 2004 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the March 2004 Expenditure Report.

Following a few questions from the Board, Director Stover made a motion to approve the March 2004 Expenditure Report. Director Hernandez seconded the motion, and it passed unanimously (4-0).



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**b. Investment Report**

For Information.

**c. Financial Recap March 16, 2004 through April 15, 2004**

For Information.

**d. Financial Forecast April 16, 2004 through May 15, 2004**

Ms. Jeffries presented the Board with the Financial Forecast for April 16, 2004 through May 15, 2004.

Director Stover made a motion to approve the Financial Forecast. Director Lyon seconded the motion, and it passed unanimously (4-0).

**e. Authorization to Advertise Request for Proposals for Audit Services**

Ms. Jeffries presented a request for authorization to advertise an RFP for Audit Services for Fiscal Year 2004. After brief discussion, Director Stover made a motion that the Board authorize advertising an RFP for Audit Services for FY 2004. Director Hernandez seconded the motion, and it passed unanimously (4-0).

Chairman Eichenberg stated he would appoint a Selection Advisory Committee at a later date.

**6. Legal**

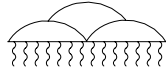
**a. Status Report**

Attorney Sam Bregman gave the Board an update on the status of various legal matters.

**7. Personnel Matters – Base Salary Level Adjustments and FY-05 COLA**

Director Stover presented the Personnel and Salary Committee's recommendation regarding base salary level adjustments and FY-05 COLA. Discussion followed. The recommended changes in base salary level were to adjust engineering, business manager, and four maintenance personnel salaries closer to the market value. A 2% COLA for all employees would be granted effective 7/1/04. Merit increases for FY 05 would be suspended.

Director Lyon made a motion to approve the recommendation of the Personnel and Salary Committee. Director Stover seconded the motion, and it passed unanimously (4-0).



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Chairman Eichenberg expressed the Board's appreciation to the staff for their hard work. Mr. Kelly expressed appreciation to the Board, on behalf of himself and the staff, for the kind words and the increases.

**8. Extension of Specific Legal Services Contract - Modrall Law Firm**

Mr. Kelly presented the recommendation that the agreement with the Modrall Law Firm for Specific Counsel Services be extended for a fourth and final year.

Director Stover expressed her appreciation for the specialized expertise Maria O'Brien and the Modrall Law Firm supplied on this contract in the past. She questioned the need for further specialized legal representation in this area. Discussion followed.

Director Stover made a motion that the Board not extend the agreement with the Modrall Law Firm for Specific Counsel Services for a fourth and final year. Director Lyon seconded the motion, which then passed (3-1). Director Hernandez dissented.

The Board expressed thanks to Maria O'Brien, who was in attendance, for the work she had done for AMAFCA under the contract.

**9. 2004 Bond Election Planning – Analysis Report from RBC Dain Rauscher**

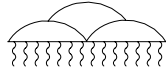
Mr. Kelly stated that he had asked Lisa Fenner and Kevin Powers of RBC Dain Rauscher to put together an analysis of various bond election scenarios. He stated that due to a last-minute engagement, Lisa Fenner was unable to attend the meeting.

Kevin Powers reviewed the four possible scenarios for the Board. The first two scenarios were the extremes of continuing the status quo (taxes could drop), and doubling the capital request (taxes would need to rise).

The majority of Mr. Powers' presentation and the following discussion centered around scenarios 3 and 4. These scenarios increase the capital program by 50%, or \$30 Million over four years. Mr. Powers stated that tax rates would remain the same as they are now in both of these scenarios, and the total amount of bonds issued would be the same in each.

Mr. Powers stated that RBC Dain Rauscher's recommendation to the Board is a 2004 Bond election of \$20 million, to increase future bond election frequency to every two years (varying the amount as necessary), and to issue bonds on an annual basis.

Further discussion followed regarding how bond funding would affect the project schedule, and the current low interest rate.



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Mr. Kelly stated that the amount of bonds to sell, when to sell them, and the term could be decided later when the Board knew which projects it wished to fund, and depending on the interest rates at the time.

The Board came to the consensus that a 2004 Bond Election of \$20 million was appropriate.

**10. Approval of Resolution 2004-3, 2004 Bond Election**

Duane Brown of Modrall Sperling presented Resolution 2004-3, 2004 Bond Election.

Following brief discussion, Director Stover made a motion that the Board establish the amount of the Bond Election at \$20 million, and adopt Resolution 2004-3. Director Lyon seconded the motion, and the motion passed unanimously (4 - 0).

**11. Approval of Resolution 2004-4, 2004 Board of Directors Election**

Mr. Kelly presented Resolution 2004-4, Board of Directors Election, which had been prepared by general counsel. He stated that it was essentially the same as the Board of Directors Election resolution of two years ago, except that 2004-4 is for an election in District 5 only.

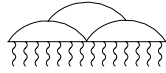
Director Lyon made a motion that the Board adopt Resolution 2004-4, 2004 Board of Directors Election. Chairman Eichenberg seconded the motion and stated that he wished to make several amendments to the motion.

Chairman Eichenberg made the following amendments to the motion: to strike the 4<sup>th</sup> and 5<sup>th</sup> "whereas" statements, to add "at 5 p.m." to the second paragraph of the Notice of Call so that it reads, "Not later than June 22, 2004 at 5 p.m. ...", and to strike the words "So Help Me, God" at the end of the Elector's Affidavit. Director Lyon seconded the amendments to the motion.

Mr. Kelly stated that he thought the language in the 4<sup>th</sup> and 5<sup>th</sup> "whereas" statements might need to remain until all Directors are serving six-year terms, including the expiring term.

Sam Bregman gave the caveat to the amended motion that he would work out the language on the 4<sup>th</sup> and 5<sup>th</sup> whereases. Chairman Eichenberg and Director Lyon were agreeable to this.

After further brief discussion, the amended motion passed unanimously (4 - 0).



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**12. FY-03 Audit – Review and Acceptance of Audit**

Mr. Kelly presented the FY-03 Audit, which had been examined by the State Auditor and released for public review. CPA Chester Mattocks was in attendance at the meeting to answer any questions. Mr. Kelly noted that the Board had reviewed the audit during the exit interview held with Mr. Mattocks during the November 20, 2003 meeting.

Director Stover made a motion that the Board accept the FY-03 Audit. Director Lyon seconded the motion, which passed unanimously (4 - 0).

**13. FY-04 Maintenance Work – North Diversion Channel Outfall Sediment Removal – Award of Contract**

Jerry Lovato, AMAFCA Field Engineer, presented the results of the bid opening for the North Diversion Channel Outfall Sediment Removal Contract. He stated that two contractors picked up the bid documents and both contractors submitted bids. He also stated that Salls Brothers Construction was the low bidder. He recommended that the contract be awarded to Salls Brothers Construction.

Director Hernandez made a motion that the Board accept Salls Brothers Construction as the lowest responsible bidder, and authorize the Chairman to execute a contract with Salls Brothers Construction in the amount of \$81,000.00 for the North Diversion Channel Sediment Removal Contract.

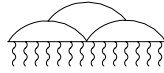
The motion was seconded by Director Stover, and passed unanimously (4 - 0).

**14. West I-40 Diversion Channel Project – Authorization of Additional Testing and Inspection Services with Wilson & Company**

Mr. Lovato introduced Dan Aguirre and Chris Perea of Wilson and Company, who were in attendance at the meeting.

Mr. Lovato stated that he was requesting the Board to approve an amendment to Supplement Number Five to increase the amount of construction management (CM) services on the West I-40 Diversion Channel Phase III project, due to unanticipated costs on the utility relocation. He stated that additional work became necessary when certain utilities were not found in the locations where they were supposed to be.

He also asked the Board to approve an amendment to Supplement Number Six to the West I-40 Diversion Channel Phase III project, related to increased CM services costs on the contract



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when 30 days was added to the project during the bidding process, based on input from contractors at the mandatory pre-bid meeting.

Director Lyon made a motion that the Board approve the amendment to Supplement Agreement Number Five and Six with Wilson and Company for the West I-40 Channel Phase III Project to address additional CM services. Director Hernandez seconded the motion, which passed unanimously (4 - 0).

Mr. Lovato next drew the Board's attention to a neighborhood newsletter, describing the project, which Wilson and Company would be distributing in the area. He stated that Wilson and Company was planning a public meeting with the neighborhood association to advise them of progress on the project.

Director Hernandez asked about an "open door" policy on the job site. Mr. Lovato explained that a separate gate for pedestrian access was planned to allow for this, while the temporary fence and job gate were to prevent pedestrians from using the job site and freeway to access West Mesa High School.

Chairman Eichenberg called a recess at 10:10 a.m. The meeting reconvened at 10:20 a.m.

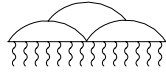
**15. Lyon Boulevard Storm Drain – Consideration of Selection Advisory Committee Recommendation for Design and Construction Phase Services**

Lynn Mazur, AMAFCA Development Review Engineer, addressed the Board concerning the Selection Advisory Committee's recommendation for the Design and Construction Engineering Services contract for the Lyon Boulevard Storm Drain Project.

She stated that six firms submitted proposals by the deadline. The SAC met on April 14, 2004, and ranked the firms per the criteria set forth in the RFP. Bohannon Huston was ranked highest, and the SAC recommends Bohannon Huston for the project. Craig Hoover of Bohannon Huston was present to answer any questions.

Director Lyon made a motion that the Board accept the recommendation of the Selection Advisory Committee, and authorize the Executive Engineer to commence negotiations per the New Mexico Procurement Code, for consideration of an Agreement for Design and Construction Engineering Services.

Director Stover seconded the motion, and it passed unanimously (4-0).



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**16. Environmental/Archaeological Services – Extension of On-Call Contracts**

Martin W. Eckert, AMAFCA Real Estate Manager, addressed the Board concerning extension of Environmental/Archaeological On-Call Services contracts with Taschek Environmental Consulting and Marron & Associates for an additional year at the same rates. Mr. Eckert noted that the third on-call firm, Parsons, had closed its Albuquerque office and did not wish to extend their contract.

Director Stover made a motion that the Board authorize the Executive Engineer to extend the On-Call Contracts with Taschek Environmental Consulting and Marron & Associates for an additional one-year term with no change in fees, per the provisions of the contracts.

Director Hernandez seconded the motion, and it passed unanimously (4-0).

**17. Real Estate – Quitclaim/Release of Easement, Lot 28, Block 20, Tract 1, Unit 3, North Albuquerque Acres**

Mr. Kelly introduced Alan Wylie, who was in attendance at the meeting. He stated that Mr. Wylie was the contractor who built most of the AMAFCA projects in the 1970s and 1980s, including the Swinburne Dam, the McCoy Dam, the North Baca Dam, the Signal Avenue Training Dikes, and the Pino Arroyo.

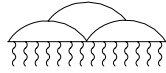
Lynn Mazur addressed the Board concerning a quitclaim/release of easement for Lot 28, Block 20, Tract 1, Unit 3 of North Albuquerque Acres. She stated that the architect prepared a house plan that encroached slightly into the AMAFCA easement but not into the FEMA floodplain. She said that she met with the owner's representative, Alan Wylie, who then consulted with the original engineer on the Grading and Drainage Plan (G&D).

Ms. Mazur stated that they have submitted a revised G&D which includes a wall extending to scour depth below grade and one foot above finished grade to protect against potential hydraulic jumps.

The Board had a question about the appearance of the wall. Mr. Wylie stated that it would be a concrete wall with a rock face, and the wall would be extended on to the end of the property line for aesthetics.

Director Hernandez made a motion that the Board authorize the Board Chairman to execute the Quitclaim Deed/Release of Easement for Lot 28, Block 20, Tract 1, Unit 3, North Albuquerque Acres. Director Lyon seconded the motion, and it passed unanimously (4-0).





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**18. West Branch Calabacillas Arroyo Storm Water Quality / Detention Ponds and Outlet Structure – Consideration of Turnkey Agreement with Sandia Properties**

Mr. Kelly introduced Kurt Browning and Bob Murphy of Sandia Properties, who were in attendance at the meeting.

Lynn Mazur asked the Board to consider a Turnkey Agreement with Sandia Properties for the West Branch Calabacillas Arroyo Storm Water Quality/Detention Ponds and Outlet Structure proposed by Sandia Properties for a portion of the Ventana West subdivision.

She stated that Sandia Properties will maintain and landscape the ponds for a period of about three years, when those responsibilities will be taken over by the homeowners association. AMAFCA would only be responsible for maintenance of the structural elements of the ponds.

Mr. Kelly pointed out that most of the subdivision drains down to the Ventana Dam, but due to the terrain, a small portion cannot drain that direction and there is a need for these small ponds.

Kurt Browning stated that Sandia Properties has a company at the site six days a week already, doing maintenance, and it made sense for them to have the same company take care of the aesthetics of the pond area.

After discussion, Director Stover made a motion that the Board authorize the Executive Engineer to execute the Agreement to Provide Maintenance for the West Branch Calabacillas Arroyo Storm Water Quality/Detention Ponds and Outlet Structure.

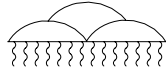
Director Lyon seconded the motion, which passed unanimously (4 - 0).

**19. FY 2005 Budget**

**a. Report from Right-Of-Way Committee on Potentially Surplus Properties**

Director Lyon presented the report of the Right-Of-Way Committee regarding potentially surplus properties, with additional comments from Committee co-chair Director Hernandez.

He stated that the ROW Committee recommends that parcel #1, the Skyview Pond Lot, be removed from the potential surplus list, as the Village of Corrales is interested in using this property for future expansion of their existing drainage pond adjacent to the AMAFCA parcel. The committee suggested that Corrales should also take over some or all of the pond maintenance at that time.



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Director Lyon stated that it was the committee's recommendation that parcel #2, the Northwestern portion of Tract A, North Baca Dam (commonly known as the Pickard property), should be retained on the potential surplus list. He stated that the adjacent property owner may be willing to make a reasonable offer to purchase this property, which is probably valued at approximately \$90,000 to \$100,000.

He stated that the committee recommends that parcel #3, the Northeastern portion of Tract A, North Baca Dam (adjacent to the North Baca Dam), should be removed from the potential surplus list, and AMAFCA staff should work with the Bernalillo County Parks and Recreation Department concerning the potential expansion of the existing recreation license.

Director Lyon stated that it is the committee's recommendation that parcel #4, a portion of Tract A, South Branch La Cueva Arroyo Diversion Channel, be removed from the potential surplus list, and that the current Bernalillo County Parks and Recreation Department license for the Hang Glider Park be continued.

He stated that the committee recommends that parcel #5, adjacent to the South El Camino Diversion, be retained on the potential surplus list.

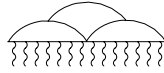
He also stated that the committee recommends that staff contact other agencies, particularly Bernalillo County, the City of Albuquerque, and the New Mexico Department of Transportation, to see if one or more of the agencies is interested in parcel #5, and that if not, it be put on the market.

Director Lyon stated that the committee recommends that parcel #6, Tract 4, Piedras Marcadas Channel and Detention Dam, be retained on the potential surplus list for further review next year, and that it may potentially be disposed of in the future, at a time when AMAFCA's return can be maximized.

He and Director Hernandez discussed parcel #7, a portion of the Embudo Arroyo Channel above the box culverts, stating that surrounding businesses are currently using this parcel for parking. The committee recommends that staff explore options with those businesses to either fence the property, put it up for lease with AMAFCA retaining the right to operate, maintain, and access AMAFCA drainage facilities, or continue as is.

The committee expressed concern about possible adverse uses of the property if put out to bid for the highest lease return, and suggested a lower lease in return for someone taking responsibility for the parcel's appearance might be a good solution.

Director Lyon next briefed the Board concerning parcel #8, the small strip of land along the South Diversion Channel where the Motel 6 parking lot encroaches onto AMAFCA property.



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He stated that the committee recommended that staff monitor future zoning and/or platting actions by the owner of the Motel 6 property.

Director Lyon stated that parcel #8 is potentially surplus in the future, should Motel 6 ever be in the position of needing to clear up title to its property.

He stated that in regards to parcel #9, the eastern portion of the La Cueva Channel Right of Way, adjacent property owner Sky Blue Investments has expressed interest in purchasing the parcel.

The Board asked about the probable value of parcel #9. Martin Eckert replied that the anticipated price would be \$4.40 a square foot or the appraised value, whichever is higher. He stated that this was expected to be approximately \$60,000.

Director Hernandez made a motion to accept all of the recommendations from the Right-Of-Way Committee of the AMAFCA Board of Directors and specifically that the Board consider the unsolicited offer from Sky Blue Investments, LLC, for purchase of the La Cueva Channel R/W at a future Board Meeting, and also consider the possible lease of parcel #7.

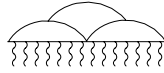
Director Lyon seconded the motion, and it passed (3-1). Chairman Eichenberg dissented, stating that the motion was too broad for him.

**b. Draft Operating Budget**

Irene Jeffries presented the second draft of the FY 05 General Operating Budget. She stated that the changes from the first draft were:

- The two planned sediment removal projects have started later than expected due to permit and storm issues, so more than half of those expenses are now shown in FY-05.
- Current funds are available to purchase the proposed tractor/mower with implements as discussed last month, so it has been deleted from the FY 05 budget.
- Project Supplies have been increased to reflect the jump in steel prices and AMAFCA's recently instituted practice of using gates, guardrail, and pipe fence instead of easily-cut wire fence.
- In Furniture and Fixtures, \$12,000 is identified for a new copier.

Chairman Eichenberg asked if staff had explored a lease contract for the copier instead of purchasing a new copier. Ms. Jeffries stated that she would look into this option.



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Other comments were made concerning estimated tax revenues used in formulating the budget.

Ms. Jeffries stated that the Board's comments will be incorporated into the next presentation of the Budget. She reminded the Board that the Budget needed to be adopted at the May meeting so that it can be submitted to DFA (the Department of Finance and Administration) by June 1, 2004.

**c. Draft Construction Fund Budget**

John Kelly presented the second draft of the Construction Fund Budget to the Board. He stated that two drafts were presented, the first assuming failure of the November Bond Authorization, and the second assuming its passage and one \$15 million bond sale.

He stated that only three projects currently in process would be completed if the bond authorization failed, but other needed projects could also be undertaken if the bond authorization passes.

Mr. Kelly stated that projects prioritized and scheduled at the May 6 meeting would feed directly back into the construction fund budget and project schedule.

**d. Draft Contingency Fund Budget**

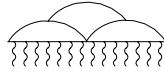
John Kelly presented the second draft of the Contingency Fund Budget to the Board. He stated that it was essentially the same as last year, but that after the Budget is approved the Board might want to revisit the reserved items in the contingency fund, since needs and priorities have changed since those funds were designated as reserved.

He stated that those changes would need to be done by Resolution rather than as a part of the budget process.

**e. Draft Debt Service Fund Budget**

John Kelly presented the draft Debt Service Fund Budget to the Board. He stated that staff will need to closely watch the drawdown as of August 2005, to be sure it doesn't get too low.

Mr. Kelly stated that the draft budgets required no action by the Board today, but would be voted on at the May 27, 2004 meeting.



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**20. Tractor Mower with Implements – Authorization to Advertise for Bids**

Director Hernandez made a motion that the Board authorize the Executive Engineer to advertise for bids for a Maintenance Tractor with attachments. Director Stover seconded the motion, and it passed unanimously (4-0).

**21. Field Highlights**

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

Mr. Lovato presented the Construction Report and a slide show depicting progress on several current projects, the prairie dog relocation, and the conclusion of the Mesa Environmental oil spill clean-up and tank removal. He and other AMAFCA staff answered Board questions during the presentation.

**22. Unfinished Business**

Director Stover stated that the Personnel and Salary Committee had been informed that one of the AMAFCA Maintenance crew has learned he may be called up into the Reserves, and she requested on behalf of the Committee that staff keep on top of his and his family's needs (benefits and so on) when he is gone.

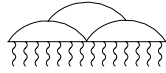
**23. New Business**

Director Brown arrived at this point in the meeting.

Mr. Kelly stated that two information items had been provided. The first was Lynn Mazur's travel report regarding the conference on the National Environmental Policy Act that she attended recently. The second was a letter that he had sent to the Corps of Engineers in further support of the Southwest Valley project.

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

None.



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**25. Adjourn**

With no further business to discuss, Director Brown made a motion to adjourn the meeting, which passed unanimously (5 - 0). Chairman Eichenberg adjourned the meeting at 11:27 a.m.

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Ronald D. Brown, Secretary-Treasurer 05/27/04

Recorded by Pam Woodruff, Secretary to the Executive Engineer