



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
August 28, 2008**

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

Chairman Hernandez called the Regular Board Meeting to order at 10:03 a.m., Thursday, August 28, 2008. Roll was noted as follows:

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

A quorum was present.

**2. Approval of Agenda**

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

**3. Meetings Scheduled**

- a. **September 25, 2008, 10:00 a.m. – Regular Meeting**
- b. **October 23, 2008, 10:00 a.m. – Regular Meeting**
- c. **November 20, 2008, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule as set forth.

**4. Approval of Minutes**

- a. **July 24, 2008**

Director Lyon made a motion to approve the minutes of the July 24, 2008 Regular Board Meeting. Director Eichenberg seconded the motion, which passed unanimously (5-0).



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**b. August 12, 2008**

Director Eichenberg made a motion to approve the minutes of the August 12, 2008 Special Board Meeting. Director Brown seconded the motion, which passed unanimously (5-0).

**5. Financial Matters**

**a. Approval of July 2008 Expenditures**

Irene Jeffries, AMAFCA Business Manager, presented the July 2008 Expenditure Report.

In response to comments and a question from Director Lyon, Ms. Jeffries stated that she will check into the possibility of bundling office telephone, cell phone, and email/internet access/website hosting services. The two long distance bills were for the NPDES storm water monitoring station on the North Diversion Channel, and the office phone system, which are billed separately.

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

**b. Investment Report for July 2008**

For information. Ms. Jeffries noted that the two accounts for the GRIP project were closed out, and that this was the final report they will appear on. There were no questions regarding the Investment Report.

**c. Financial Recap July 16, 2008, through August 15, 2008**

In response to a series of questions from Director Saiers, Ms. Jeffries stated that last month's Operating Fund forecast had not included the purchase of the new loader, nor had it included payments to the New Mexico Self Insurers Fund. As a result, a larger transfer was made from the State Short Term Fund than had been forecast, in order to make those payments.

Mr. Kelly added that usually it takes 90 days for a new piece of equipment to be delivered after it is ordered. However, Tom Growney Equipment had the loader in stock already and was able to deliver it immediately, necessitating payment sooner than anticipated.

Responding to another question from Director Saiers, she stated that the Construction Fund income included earnest money funds on the bond sale, which had not been forecast. Some additional pay estimates were received that had also not been forecast.



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Responding to a question from Director Eichenberg, Ms. Jeffries stated that there was no interest penalty for withdrawals from the State Short Term Fund, as interest is paid on a daily basis.

**d. Financial Forecast August 16, 2008, through September 15, 2008**

Ms. Jeffries presented the Financial Forecast for the period August 16, 2008, through September 15, 2008. She noted that bond proceeds had been received, and the premium was credited to the Debt Service Fund.

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

**e. Certification of FY09 Budget by the Department of Finance and Administration**

Ms. Jeffries stated that the State of New Mexico Department of Finance and Administration (DFA) had certified AMAFCA's FY09 Budget. State Statute requires budgets approved by DFA to be made a part of the minutes of the governing body.

**6. Personnel Matters – Notice of Promotion of Crew Member to Maintenance Worker Operator Position**

Mr. Kelly stated that Sal Hernandez, a Maintenance Worker Driver with AMAFCA for over five years, had been promoted to Maintenance Worker Operator. The resulting vacancy for a Maintenance Worker Driver is being advertised. In response to a question from Director Saiers, Mr. Kelly stated that Maintenance Worker Driver is an entry level position. The position includes both truck driving and general construction/labor and maintenance activities.

**7. Legal – Status Report**

Attorney Marcus Rael briefed the Board on the status of various legal matters. He also answered several questions from the Board.

Chairman Hernandez stated that he had attended the New Mexico Water Law conference and learned of new case law regarding 404 permits and how they relate to the Clean Water Act. He passed this information on to Attorney Rael, who then further researched the case.



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**8. AMAFCA 2008 Board Election – Withdrawal of Candidate from District 1**

Ms. Jeffries stated that Katryn Fraher, candidate for Director from District 1, had withdrawn from the election on August 18, 2008. Mr. Kelly notified the Bernalillo County Clerk of this fact and asked that her name be removed from the ballot.

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

The memo from Mr. Kelly stated that in the past month, on-call services task orders had been issued to:

- Easterling Consultants, LLC, for professional engineering services to support comments made in regard to New Mexico Office of the State Engineer proposed changes to Dam Statutes, on a time and materials basis, not to exceed \$3,000.00.
- Wilson & Company, for professional engineering services for hydrological and hydraulic support to evaluate detention pond alternatives and options in the Broadway Pump Station watershed, on a time and materials basis, not to exceed \$10,000.00.
- Wilson & Company, for surveying services to support design of North Diversion Outfall Gate Well project, on a time and materials basis, not to exceed \$4,417.36.
- Wilson & Company, for surveying services to support Amole Dam Sediment Removal, on a time and materials basis, not to exceed \$7,296.42.
- Albuquerque Surveying, Inc., for surveying services for right of way staking, North Diversion Channel – Paseo del Norte south to Pino Inlet, on a time and materials basis, not to exceed \$3,500.00.

There were no questions regarding the on-call services task orders.

**10. Approval of Resolution 2008-10, *Ad Valorem Tax Levy, Operating Fund***

Mr. Kelly introduced Kevin Powers, of RBC Capital Markets, AMAFCA's Financial Advisor.

Ms. Jeffries stated that, during development of the recommendation for setting the Operating Fund mill levy, staff discovered that the County-wide assessed valuations were used in the second and final Operating Fund budgets, overstating the assessed valuation and thus expected revenues.



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Mr. Kelly added that an error was made in putting together the second draft and final budgets, by pulling the wrong figure from a spreadsheet. In the future, the originating spreadsheet will also be provided to the Board, reducing the chance of this sort of error happening again.

Mr. Powers stated budget forecasting was difficult this year, as a lot of special district tax valuations were late.

Mr. Kelly stated that savings have been realized in the purchase of the Loader for \$28,000 less than budgeted, and in free sediment removal at the Amole Dam (decreasing the amount that will need to be paid to have this sediment removed), which will probably save another \$40,000. Thus, a mill levy pair that results in revenues within about \$70,000 of the budgeted revenues of \$3,375,740 is needed.

The memo from Ms. Jeffries stated that Mr. Powers performed an analysis of rate pairs which are acceptable to the Department of Finance and Administration, as they are proportional to the maximum rates allowed under the Yield Control Act. Mr. Powers had recommended that the mill levy be set at 0.165 Residential and 0.464 Non Residential. This is a slight reduction in the Residential rate, while generating sufficient revenue to fund the budget.

In response to a question from Director Saiers, Mr. Kelly stated that with the anticipated savings, the recommended rate pair will draw down the Operating Fund the same amount as had been budgeted and approved by the Board.

Director Brown made a motion that the Board adopt Resolution 2008-10, *Ad Valorem Tax Levy, Operating Fund*. Director Saiers seconded the motion, which passed unanimously (5-0) on a roll-call vote.

**11. Approval of Resolution 2008-11, *Ad Valorem Tax Levy, Debt Service Fund***

Ms. Jeffries stated that Duane Brown had drafted Resolution 2008-11, *Ad Valorem Tax Levy*, and that Mr. Powers would guide the Board through adoption of the resolution.

The memo from Ms. Jeffries stated that the portion of Bernalillo County annexed by Sandoval County on January 1, 2005 remains responsible for AMAFCA indebtedness authorized through the November 2004 election.

Mr. Powers recommended a debt service tax rate of \$0.210 mills per \$1,000 of assessed value on all tangible real and personal property within the boundaries as existed prior to the boundary change, plus an additional \$0.465 mills on the property within AMAFCA's current boundary, to cover the 2006 authorization. This is a total of \$0.675 for properties within AMAFCA's current boundary, which is the same as it had been before.



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Mr. Powers stated that the rate within AMAFCA's old boundaries should remain approximately the same for about two years, then it will drop as additional bonds are paid off. After the final two years of a split rate, all indebtedness the Corrales residents are responsible for will be paid off and only one rate will be needed.

In response to a question from Director Eichenberg, Mr. Powers stated that there is only one class of property in the mill levy for the Debt Service Fund, so yield proportionality does not apply. A different calculation is used so the assessed valuation error in the Operating Fund Budget did not happen here.

Director Brown made a motion that the Board adopt Resolution 2008-11, *Ad Valorem Tax Levy, Debt Service Fund*, setting the Debt Service mill levy at \$0.210 for Bernalillo County and that portion of Sandoval County affected by the January 1, 2005 Bernalillo County/Sandoval County boundary change, and \$0.465 for Bernalillo County for a total mill levy in Bernalillo County of \$0.675. Director Lyon seconded the motion, which passed unanimously (5-0) on a roll-call vote.

**12. Martineztown Flood Relief – Post Office Pond Project**

**a. Response to Questions Raised at August 12, 2008 Meeting**

Jerry Lovato, AMAFCA Drainage Engineer, introduced John Castillo, Melissa Lozoya, and Roland Penttila, of the City of Albuquerque.

Mr. Lovato provided the answers to several questions brought up by the Board during the August 12, 2008 Special meeting. The funding from the 2007 Legislature had been spent on drainage projects in the area. Chairman Hernandez commented that State Representative Rick Miera had indicated that he is seeking additional legislative funding.

Chairman Hernandez added he had mentioned the "hypothetical" large multiuse flood control pond/park option to a neighborhood association and the response was mostly positive, with only one person against the idea.

- b. Review of Draft Cost Sharing Agreement with the City of Albuquerque**
- c. Review of Draft First Amendment to El Bordo Storm Drain Agreement**
- d. Review of Draft Second Amendment to A.Q. Pond Agreement**

Mr. Kelly stated that the Board had directed staff to bring a draft cost share agreement to the Board for review. The draft agreement provides that AMAFCA will fund 50% of the cost of the Post Office Interim Pond property acquisition in return for a 50% undivided interest in the property as tenants in common, to be paid after award of the construction contract. AMAFCA's



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remaining funding will be used for 50% of the design and construction of the Post Office Interim Pond, not to exceed \$953,000.00.

He noted that AMAFCA's total funding is \$2,000,000.00 in the agreement. Both parties agree to coordinate and seek funding for a Mid-Valley Drainage Management Plan (DMP), which will be a comprehensive look at all valley watersheds with the intent of locating optimal detention pond locations within the mid-valley.

Mr. Kelly added that to fund this project from current AMAFCA funds, the funding for the A.Q. Pond and El Bordo Storm Drain will need to come from the 2008 Bond Authorization. As such, draft amendments to those agreements provide that funding is subject to the passage of the bond question.

Discussion followed. Several Directors pointed out that if additional legislative funding is obtained, the full amount of the Drainage Management Plan (DMP) would not need to be split 50-50 between AMAFCA and the City. Language stating that the cost of the DMP will be split "among the parties" in a future agreement will allow for a third party without specifying the exact split, which will be set in that future agreement.

Chairman Hernandez stated that various state legislators had told him they would be seeking additional funding for this area, so the State may be a third party to the future cost-share agreement for the DMP. Director Saiers added the County might also contribute.

Chairman Hernandez and Directors Eichenberg, Brown, and Lyon each stated they reluctantly supported an interim pond on the Post Office site, with the understanding that the DMP will identify better sites for a long-term solution. Mr. Kelly stated that AMAFCA is retaining an interest in the Post Office property to give the City an incentive for future surplussing of the interim pond property, with sale proceeds to go towards mid-valley drainage projects.

Responding to questions from Director Lyon, Mr. Kelly stated that he will have Mr. Rael take a close look at the agreement in order to limit AMAFCA's liability, and to word the section on joint ownership properly. Language will also be added to paragraph 4.8 to mention "policies and regulations of AMAFCA." The City will be responsible for maintenance of the pond and property.

Responding to questions from Chairman Hernandez and Director Eichenberg, Mr. Lovato stated that the current plan for the pond is that it will be nine feet deep, and will hold 16.9 acre-feet of water. The pond will be shallower than previously estimated unless an issue regarding the pipe easement is worked out.



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Mr. Penttila added that there are two options currently being considered: (1) a surge pond, nine feet deep, operating hydraulically with the existing piping system, or (2) a 17' deep pond with a pipe connection to the wet well of the Broadway Pump Station. The pipe connection either has to be made through an easement on the property to the north, which is not currently owned by the City, or along Broadway, which is already congested with utilities. He stated that negotiations are underway regarding the property to the north.

Mr. Castillo stated that the City's first priority is to provide some flood protection to Martineztown residents. At some point in the future, the pond may be moved to another location after a longer-term study is completed. In the meantime, the Post Office Interim Pond could provide some relief.

Director Brown supported the City acquiring the post office properties adjacent to the property under discussion, stating that it might become part of the long-term solution in the DMP.

Mr. Kelly summarized that the consensus of the Board appeared to be that the split for the future Mid-Valley DMP funding will be determined in the later cost-share agreement, rather than in this agreement, the language used will allow for additional parties to that agreement, and with the DMP focusing on the Barelás and Martineztown watersheds; reference "AMAFCA Legislation and Resolutions of AMAFCA" in paragraph 4.8; and revise the wording regarding tenants in common/50-50 ownership of the pond property.

The Board concurred with this summary.

**13. Parkway Storm Drain – Authorization to Advertise Request for Proposals for Study, Design, Agency and Neighborhood Coordination, and Construction Management Services**

Kurt Wagener, AMAFCA Field Engineer, stated that the FY2008 Project Schedule identifies \$100,000 for FY09 and \$900,000 in FY10 for the Parkway Storm Drain. The Contingency Fund also includes \$500,000 in reserved funds for this project.

The Parkway Channel is an earthen channel that has required extensive maintenance in the past few years. The project will replace a partially stabilized earthen channel with a permanent large diameter underground reinforced concrete pipe, resulting in a potential site for a multi-use trail or other recreational uses. Mr. Kelly added that the Board visited the site on April 4, 2008.

Mr. Wagener added that AMAFCA has asked the City to take over maintenance after construction of the pipeline. He asked for Board input on the proposed Request for Proposals, and for authorization to advertise the RFP.





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Director Saiers noted her pleasure that the neighborhood will be involved in the planning process.

Director Brown made a motion that the Board approve the issuance of the RFP for study, design, neighborhood coordination and construction management services for the Parkway Storm Drain Project. Director Saiers seconded the motion, which passed unanimously (5-0).

**14. Storm Water Quality Education Coordinator Services – Authorization to Request Proposals**

Mr. Kelly stated that the Board first approved a Memorandum of Understanding for a joint funding agreement between AMAFCA, the City of Albuquerque, Bernalillo County, UNM, and NMDOT for a Storm Water Quality Public Participation/Education Program in 2004. These entities became known collectively as the "Storm Water Team." AMAFCA is the fiscal agent for the Storm Water Team.

He added that this year, the original Storm Water Team has expanded to include the Ciudad Soil and Water Conservation District and SSCAFCA. The MOU was also modified to include an Executive Committee. One of the duties of the Executive Committee is to oversee the Storm Water Quality Education Coordinator.

He stated that the educational programs developed by the current Storm Water Quality Education Coordinator, Cooney Watson, included the "Scoop the Poop" program and the "Keep the *RIO* Grand" advertising campaign and website. The EPA-NPDES permit includes these public education activities as permit conditions.

He added that the contract with Cooney Watson will be expiring in November, 2008, and has reached the end of its four-year term. He requested authorization to advertise the RFP for Storm Water Quality Education Coordinator.

Responding to questions from Directors Eichenberg and Saiers, Mr. Kelly stated that the Storm Water Team is expending less than the current \$40,000 budget, including advertising expenses. That budget has expanded for FY09 due to the increased number of parties. AMAFCA funds \$10,000 of that budget under the agreement. Cooney Watson has done a good job as Education Coordinator, but the maximum number of extensions possible has been reached.

Director Brown made a motion that the Board authorize advertisement of the RFP for Storm Water Quality Education Coordinator. Director Lyon seconded the motion, which passed unanimously (5-0).



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**15. Real Estate**

**a. Quitclaim/Release of Drainage Easement for Lot 15, Block 10, Tract 1, Unit 3, North Albuquerque Acres**

The memo from Lynn Mazur, AMAFCA Development Review Engineer, stated that the Drainage Easement granted in 2002 was based on the limit shown in the North Albuquerque Acres Drainage Management Plan, which is a gross approximation. Calculations using a new survey with one-foot contours showed that a smaller Drainage Easement may be allowed. The property owners have signed a Grant of Easement for the new Drainage Easement, and have asked that the original easement be quitclaimed/released.

Director Lyon made a motion that the Board authorize the Board Chairman to execute the Quitclaim Deed/Release of Easement for Lot 15, Block 10, Tract 1, Unit 3, North Albuquerque Acres. Director Eichenberg seconded the motion, which passed unanimously (5-0).

**b. Notice of Issuance of Recreational Licenses**

The memo from Loren Hines, AMAFCA Real Estate Manager, stated that two short-term recreational licenses had been issued for cross country running races at the John Robert Dam/Bear Canyon Arroyo. The Albuquerque Athletics Track Team event is September 21, 2008, and the APS Eldorado High School Cross Country Team event is October 4, 2008.

**16. Field Highlights**

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

Mr. Wagener presented a slide show of various projects, including the Vineyard Arroyo Storm Water Quality Facility, the Black Arroyo Dam Water Quality Facility, several of the task orders on the Agency and Area-Wide Flood Control Maintenance Contract, initial grading for the 98<sup>th</sup> Street Surge Pond Dam, the A.Q. Pond full of water after a recent rain, and the North Pino Water Quality Facility in use earlier this year. Further pictures depicted construction of the North Diversion Channel Trail, construction of the Santa Barbara Water Line, the finished pipe penetration at the Southwest High School site, and the finished riprap channel at VJW Storage.

There were also pictures of the AMAFCA crew mowing at the South Diversion Channel and Hasse Construction with their equipment in the North Diversion Channel, performing repairs on the Indian School bridge for the City of Albuquerque.



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The final photos showed Corps of Engineer inspections, maintenance and engineering staff inspecting the new loader, and the Board receiving the Mid-Region Council of Governments 2008 Regional Leadership Award.

**c. 2008 Storm Report**

Mr. Wagener next presented the 2008 Storm Report. 2008 was not a heavy storm year. There was only one storm in 2008 that was in the top 20 recorded on the North Diversion Channel, and only 2 in the top 15 on the South Diversion Channel. The South Diversion Channel's highest 2008 flow was from a storm in July, and the North Diversion Channel's highest 2008 flow was from a storm in August.

He showed photos of a property near 98<sup>th</sup> and Gibson, where a builder's temporary berm washed out, taking out a retaining wall and causing some localized flooding in a home. Other pictures showed flood cleanup in Belen, NM. AMAFCA helped build temporary berms to protect properties from future flooding, as the tail end of Hurricane Dolly was expected to go over Belen. He also showed some pictures of the flooding this summer in Ruidoso, NM.

Final pictures in the 2008 Storm Report showed the AMAFCA crew, along with crews from the City of Albuquerque, doing repairs to the City's Embudito Channel.

**17. Unfinished Business**

**a. Notification to Property Owners of New FEMA Flood Hazard Maps**

Mr. Kelly stated that a copy of Bernalillo County's notification letter had been provided to the Board. He added that Mr. Lovato will continue to follow up on this issue in item 18a.

**b. New Mexico Watershed and Dam Owners Coalition Dam Safety Workshop – Briefing on Workshop Held August 14-15, 2008**

Mr. Lovato introduced Chuck Easterling, of Easterling and Associates, who was hired to facilitate creation of the New Mexico Watershed and Dam Owners Coalition, and who also assisted with the group's first training workshop and membership drive. Mr. Easterling stated they had expected 30 to 50 attendees, but ended up with a total of 84 registrants attending one or both days of the workshop.

Mr. Easterling stated that the New Mexico Watershed and Dam Owners Coalition (NMWDOC) presented its first educational workshop on August 14-15, 2008, in conjunction with the Association of State Dam Safety Officials (ASDSO). The New Mexico State Engineer, John



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D'Antonio, spoke on Thursday. The workshop was well attended by small and large dam owners and by the engineering community.

Mr. Easterling added that twenty dam owners joined NMWDOC, which is 10% of the dam owners in the state, including all of the major dam owners. In addition, 7 consultants joined NMWDOC, and one government entity which is not a dam owner.

He stated that the group established their first Board, including himself as Chair, Mr. Kelly as Vice Chair, and Board members John Allen (Dona Ana Flood Commissioner), Harold Trujillo (Acequia de la Isla) Jaime Eisenberg (representing the City of Albuquerque), and Dick Smith (Chaves County Flood Commissioner, also serving as Secretary/Treasurer). The NMWDOC Board approved the fiscal agent agreement with New Mexico Association of Conservation Districts.

Mr. Easterling reported that the extensive networking during the workshop illustrated the great need for an organization like NMWDOC. During the workshop, the Office of the State Engineer explained their proposed changes to the jurisdictional dam requirements, which will reduce the OSE's workload significantly. NMWDOC will support these changes, and will suggest some additional changes to the regulations.

He reported that the OSE is also interested in developing site-specific Probable Maximum Precipitation (PMP) storms. Numbers ranging from 18" to 20" are used for rainfall in New Mexico, which is 6 to 7 times the 100-year storm. In Texas, the numbers used for PMP are closer to double the 100-year storm. Here, they are double the annual precipitation. In other parts of the country, the number used for PMP is near the annual precipitation. Under this new method, smaller emergency spillways may be required. Some inadequate spillways will become adequate or nearly so under the new requirements.

Mr. Easterling stated NMWDOC will sponsor another training event in the spring. It will probably focus on changes to the law, site-specific PMP, and Emergency Action Plans. The focus will be on building EAPs that are useful to and can be used by Emergency Responders, and will be of benefit to them.

Roger Paul commented that Bernalillo County Public Works' staff has been working with Emergency Responders to create their EAPs. Mr. Easterling invited him to present at the spring event.

Director Eichenberg left the meeting at 12:05 p.m., due to a prior commitment.



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**18. New Business**

**a, Submittal of Albuquerque West Levee LOMR**

Mr. Lovato stated that a Letter of Map Revision (LOMR) had been prepared and is being submitted to FEMA to reduce the new floodplain in the valley from 2600 acres to 1273 acres with new, more detailed mapping. AMAFCA may need to become a technical partner with FEMA to expedite remapping of this area, and expedite approval of the LOMR. The Board's approval will be sought before this step is taken.

Mr. Lovato stated that becoming a technical partner with FEMA will result in lower insurance premiums in both the City and the County.

Brad Bingham, City Floodplain Administrator, stated it was his understanding that there will be a 5% discount on insurance.

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

In response to a question from Director Saiers, Mr. Kelly stated that the GIS Technician position is currently being advertised and will close August 29. The Storm Water Quality Program Engineer position will be advertised after the remodeling necessary to create additional office space is completed.

Chairman Hernandez commented on some recent editorials in the paper which urged disbandment of the Middle Rio Grande Conservancy District, with the acequias taking over management and maintenance of the irrigation canals, and with some unknown entity to take over the levees.

**20. Adjourn**

There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 12:13 p.m.

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Tim Eichenberg, Secretary-Treasurer 9/25/08

Recorded by Pam Woodruff, Secretary to the Executive Engineer