



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
January 3, 2012**

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1. Call to Order and Roll Call

Chairman Hernandez called the Special Board Meeting to order at 10:03 a.m. Thursday, January 3, 2012. Roll was noted as follows:

Directors present:	Chairman Danny Hernandez Director Tim Eichenberg Director Bruce Thomson Director Ronald D. Brown Director Daniel Lyon
Directors excused:	None
Others present:	Jerry M. Lovato, P.E., Executive Engineer Attorney Marcus Rael, Jr. Staff Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Chairman Hernandez stated that he had asked Attorney Marcus Rael to give a short summary of the effects on AMAFCA of the 1998 redistricting lawsuit. This would be heard as a new agenda item 5a, with the other items under agenda item 5 moved to 5b and 5c.

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

3. Meetings Scheduled

- a. **Thursday, January 26, 2012, 10:00 a.m. – Regular Meeting**
- b. **Thursday, February 23, 2012, 10:00 a.m. – Regular Meeting**
- c. **Thursday, March 22, 2012, 10:00 a.m. – Regular Meeting**
- d. **Thursday, April 26, 2012, 10:00 a.m. – Regular Meeting**

There were no changes to the meeting schedule.

4. Items from the Floor / Public Comment

None.



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5. AMAFCA Redistricting Analysis, Presentation, and Discussion

Chairman Hernandez, noting that Director Eichenberg was the most experienced at redistricting, asked him to chair a committee of the whole to discuss redistricting. Director Eichenberg agreed and chaired this portion of the meeting.

a. History and Background

Attorney Marcus Rael stated that the settlement of the 1998 lawsuit, David Lujan and Pablo Lopez vs. The Albuquerque Metropolitan Arroyo Flood Control Authority, brought AMAFCA into compliance with the Voting Rights Act of 1965 by splitting AMAFCA into districts, with two of them minority majority districts, rather than having five "at-large" directors and no districts. The settlement states, "Two of the districts shall be minority districts containing at least fifty percent (50%) voting age Mexican-American or members of a protected class pursuant to the Voting Rights Act."

Director Brown noted that Asians, Asian Indians, and those of Arabic descent are not included as protected minority classes under the Voting Rights Act, as they are not perceived to be at an economic disadvantage.

b. Briefing on Existing AMAFCA Districts Using 2010 Census Data

Kevin Troutman, AMAFCA GIS Manager, briefed the Board on the current districts, and the schedule for the redistricting process. He noted that district lines should be drawn close to a target population of 126,855, plus or minus 5%. He stated that no public comments had been received during the two-month public comment period.

Director Thomson opined that redistricting should take future growth into account, by making the fastest-growing districts slightly smaller than the target to allow room for growth.

c. AMAFCA Redistricting – Presentation and Discussion by Research and Polling

Michael Sharp, of Research and Polling, briefed the Board on the three preliminary options for redistricting. He stated that rapidly-growing districts can be drawn slightly smaller than the others, at the Board's discretion. It is not required as a part of redistricting.

The consensus of the Board was to support this approach.

Mr. Sharp noted that, overall, AMAFCA covers an area that is 44% minority, with a general shift westward in the population. AMAFCA will need to maintain the two minority-majority districts. It is easiest to keep districts 1 and 2 as the minority-majority districts. Moving most of the Cottonwood area into district 4 keeps district 2 as a minority-majority district.



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Director Thomson suggested that the Board also consider watersheds, and plan to keep watersheds together as much as possible as they are communities of interest. Director Lyon suggested that both sides of the river should be in the same district, rather than having the river be a district boundary. He stated that both sides of the river have the Bosque and levee issues in common.

In response to a question from Director Brown, Attorney Rael stated that directors have to live in the district they represent at the time of the election, and maintain a presence in the district after their election. He added that a state Supreme Court interpretation of that requirement concluded that a person needed to be actively involved in the district, such as working there, if they move out of the district they were elected to represent during their term. In that case, they cannot run for re-election unless they move back into the district.

Mr. Sharp noted that, in the case of state, municipal, and school boards, a representative essentially "resigns" by moving out of their district.

In response to a comment from Director Eichenberg about whether the Lujan lawsuit still applied since AMAFCA was now districted, Mr. Rael stated that the state Supreme Court interpretation since then continues to apply. An elected official needs to reside in their district when elected, and if circumstances cause the official to move out of their district, they must maintain a presence in their district, which usually includes continuing to work in the district.

The Board discussed the various approaches evidenced in the preliminary plans before them, commenting on the strengths and weaknesses of each.

Director Brown noted that population growth will continue in the areas where infrastructure is being built, such as schools and shopping, specifically mentioning the neighborhoods feeding into Atrisco Heritage and Volcano Vista High Schools.

At 10:55 a.m., Chairman Hernandez and Director Brown left the room. Chairman Hernandez returned at 10:57 a.m., and Director Brown returned at 10:59a.m.

In response to a question from Director Eichenberg, who asked if AMAFCA directors would be forced into a re-election if the district boundaries drastically changed. Mr. Rael opined that they would not, stating that shifting district boundaries are a natural side effect of redistricting.

Chairman Hernandez stated that a variation of Option B seemed to be preferred by most directors, with the maintenance of two minority-majority districts.

Director Eichenberg requested that the Board take a recess to allow Mr. Sharp to come up with another plan that would maintain communities of interest, with two minority-majority districts, maintaining an east-west orientation east of the river to largely follow watersheds. He asked if



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two westside districts could be created, and if there would be two minority-majority districts if the Bosque area were included in those districts.

The Board recessed at 11:18 a.m., resuming the meeting at 11:38 a.m., with Mr. Sharp coming up with a revised plan during the recess.

Director Eichenberg stated that the new plan being developed during the meeting would be printed to become a part of the minutes.

Mr. Sharp went through a detailed analysis of the new plan, which was balanced and preserved all incumbencies, making further changes to the plan as suggested by the Board during the meeting. This revised plan was marked as "B-1."

Director Eichenberg suggested that the Directors get together with adjoining Directors to make further tweaks to the plan to balance the districts and square off boundaries. He also requested that AMAFCA distribute the plan for public input. Fine-line changes, if any, would be made at the next meeting. He noted it was important to be sure no significant neighborhoods are split into two districts.

Director Eichenberg also requested that the districts be printed out as a list of precincts, for the Directors' use.

At 12:16 p.m., Director Eichenberg turned the meeting back over to Chairman Hernandez.

7. New Business

Chairman Hernandez requested input on scheduling the General Counsel Selection Advisory Committee (SAC). He noted that if a contract is not ready to approve at the January 26, 2012 Board meeting, the existing contract with Robles, Rael & Anaya will need to be extended.

Director Eichenberg made a motion that the Board extend the contract with Robles, Rael & Anaya, P.C., for a period of thirty days. Director Lyon seconded the motion, which passed unanimously (5-0).

The consensus of the Board was that the Board, serving as a Committee of the Whole, will act as the SAC for Legal Counsel Services. The SAC will meet at a special meeting of the Board at 9:30 a.m. on Thursday, January 26, 2012, prior to the regular Board meeting. At that time the Board will evaluate the proposals and decide if they wish to interview any firms.



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6. Unfinished Business

a. Update on EPA Administrative Order

Mr. Lovato gave the Board an update on the Environmental Protection Agency's Administrative Order to the City of Albuquerque. A copy of a letter drafted by Director Thomson and modified and sent by Chairman Hernandez to Mayor Richard Berry was included in their meeting folders. He stated that the Mayor or a representative of the Mayor's office may be at the Board meeting in January.

Director Brown noted that, if the Mayor or his representative were to come to the meeting, the Board will need to be certain to hold that portion of the meeting on schedule.

8. Adjourn

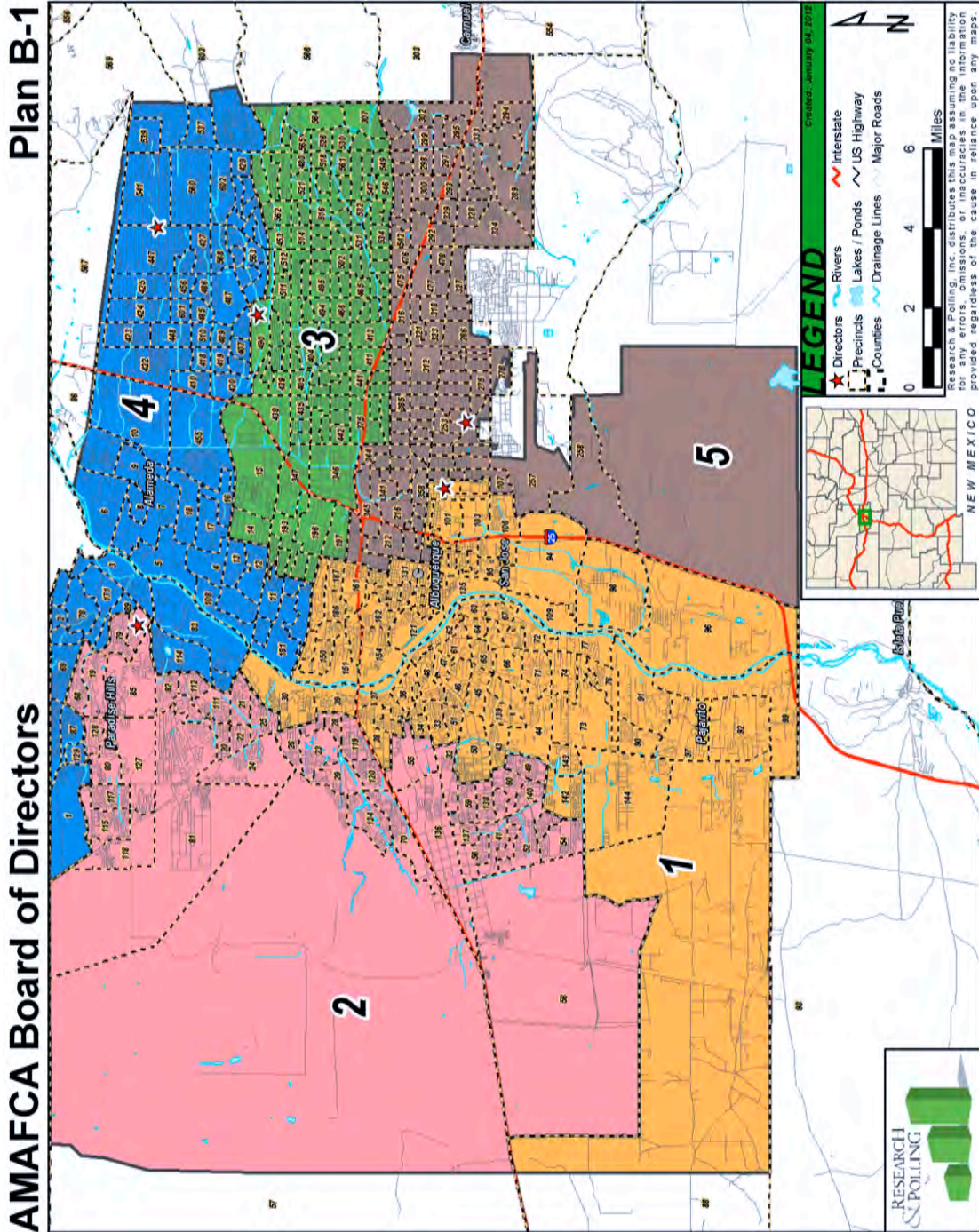
There being no further business to come before the Board, Chairman Hernandez adjourned the meeting at 12:25 p.m.

_____, Secretary-Treasurer, 1/26/12

Recorded by Pamela Woodruff, Executive Administrative Assistant



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**2010 Census
Redistricting**

**AMAFCA Board of Directors
Plan B-1**

District	Pop	Deviation	Hispanic	Non-Hispanic Origin				
				White	Native American	Black	Asian	Other Races
1	128,324	1,469 1.2%	93,056 72.5%	26,387 20.6%	3,419 2.7%	2,650 2.1%	1,090 0.8%	1,722 1.3%
18+	95,736		65,313 68.2%	23,357 24.4%	2,755 2.9%	2,196 2.3%	927 1.0%	1,188 1.2%
2	128,012	1,157 0.9%	78,648 61.4%	37,438 29.2%	4,115 3.2%	3,366 2.6%	1,935 1.5%	2,510 2.0%
18+	88,280		50,321 57.0%	29,712 33.7%	2,874 3.3%	2,511 2.8%	1,501 1.7%	1,361 1.5%
3	127,282	427 0.3%	45,696 35.9%	67,447 53.0%	5,158 4.1%	3,214 2.5%	2,943 2.3%	2,824 2.2%
18+	101,571		32,953 32.4%	58,147 57.2%	3,784 3.7%	2,569 2.5%	2,376 2.3%	1,742 1.7%
4	127,983	1,128 0.9%	43,187 33.7%	71,908 56.2%	3,568 2.8%	2,291 1.8%	4,362 3.4%	2,667 2.1%
18+	99,310		30,467 30.7%	59,485 59.9%	2,715 2.7%	1,772 1.8%	3,291 3.3%	1,580 1.6%
5	122,672	-4,183 -3.3%	50,782 41.4%	54,481 44.4%	6,134 5.0%	4,216 3.4%	4,026 3.3%	3,033 2.5%
18+	96,789		35,487 36.7%	48,228 49.8%	4,503 4.7%	3,292 3.4%	3,275 3.4%	2,004 2.1%
Totals	634,273	Ideal: 126,855	311,369 49.1%	257,661 40.6%	22,394 3.5%	15,737 2.5%	14,356 2.3%	12,756 2.5%
18+	481,686		214,541 44.5%	218,929 45.5%	16,631 3.5%	12,340 2.6%	11,370 2.4%	7,875 2.1%