

RESOLUTION ~~2020-11~~2025-XX

DRAINAGE POLICY

WHEREAS, authority for the Board of Directors to adopt, amend, repeal, enforce and otherwise administer under the police power reasonable resolutions, rules, regulations, and orders pertaining to properties within the ~~territory~~jurisdiction of the Albuquerque Metropolitan Arroyo Flood Control Authority (“Authority”) of any public body or other person (other than the Federal Government) reasonably affecting the collection, channeling, impounding or disposition of storm and flood waters is contained in the Arroyo Flood Control Act; and

WHEREAS, the Board of Directors has, with due consideration, determined the following ~~regulation~~Resolution to be necessary to execute the legal duties imposed upon the Authority by its enabling legislation and by its contractual obligations to the Federal Government; and

WHEREAS, the Board of Directors last took action regarding the Authority’s drainage ~~regulation~~ in 1993 Resolution in 2020 which required a review after five (5) years; and

WHEREAS, the ~~Authority’s~~Authority and its local governmental partner agencies have updated their policies and procedures regarding storm drainage in the Albuquerque metropolitan area since the last action by the Board of Directors; and

WHEREAS, the Board of Directors ~~has directed its staff to update~~hereby updates the Authority’s drainage ~~regulation~~Resolution to best execute the legal duties imposed upon the Authority by its enabling legislation and by its contractual obligations to the Federal Government.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY THAT:

SECTION 1 GENERAL STATEMENT.

- A. The Authority recognizes that urbanization changes hydrology. These changes may necessitate channel improvements, detention or diversion of stormwater runoff to protect people and property.
- B. In general, both public and privately built storm drainage facilities will be designed to accommodate the 100-year storm. However, the Board of Directors of the Authority reserves the right to require a more conservative design at the Board’s discretion. Interior storm drainage facilities, such as storm sewers, streets and detention basins ~~with less than 10-acre feet capacity,~~ may be designed to accommodate less than the 100-year storm, in accordance with criteria adopted by the City of Albuquerque, ~~or~~ Bernalillo County, ~~and the Authority solely under their purview~~ within the ~~territory~~jurisdiction of the Authority.
- C. Planning and design of storm drainage facilities shall be based on official Authority, City of Albuquerque, or County of Bernalillo population and development projections and guidelines.
- D. The Authority commits itself to continue cooperating with other governmental agencies and with private developers to the end that urbanization within its ~~territory proceed~~jurisdiction ~~proceeds~~ in a responsible manner.
- E. The Authority plans to develop and update semiannually a schedule of Authority funded projects. The Authority encourages other agencies to do likewise.
- F. The standards set forth in this ~~Regulation~~Resolution are intended to protect the capacity of existing watercourses, to ensure adequate space to convey the design storm under urbanized

development, and to prevent the capacity of existing and planned drainage facilities from being exceeded during the storm for which the facilities were designed.

SECTION 2 DEFINITIONS.

- A. Unless the context otherwise requires, in this ~~Regulation~~Resolution:
- B. "Authority" means the Albuquerque Metropolitan Arroyo Flood Control Authority or AMAFCA
- C. "Watercourse" means any river, creek, arroyo, canyon, draw, or wash, or any other channel having ~~definite~~ banks and bed with visible evidence of the occasional flow of water.
- D. "Floodplain" means any land area susceptible to being inundated by water from any source but specifically any designated high-risk flood hazard area as currently mapped by the Federal Emergency Management Agency Flood Insurance Rate Maps accepted by the respective National Flood Insurance Program Community.
- E. "Floodplain Administrator" means the assigned public official certified in floodplain administration per New Mexico State statute Section 3-18-7 N.M.S.A, 1978
- ~~D.F.~~ "Storm drainage facility" means an arroyo, watercourse, canal, channel, street, storm ~~sewer~~drain, dam, diversion, dike or any other natural or man-made feature used in the collection, channeling, impounding, or disposition of storm surface waters, or a combination thereof.
- ~~E.G.~~ "Capacity of a storm drainage facility" means its ability to intercept and convey the storm waters that would flow therein if a 100-year storm occurred over the area drained by such facility when the basin is fully developed in accordance with the current comprehensive plan for the area. Planned public storm drainage facilities may be assumed as in place in determining capacity, provided that construction funds are available and have been appropriated, design has been progressed to the point where capacity can be ascertained with reasonable certainty, and advertising for bids is scheduled. Storm water carrying capacity of streets and storm sewers shall be determined by the City of Albuquerque and the County of Bernalillo in their respective jurisdictions.
- ~~F.H.~~ A "100-year storm" means the 100-year precipitation estimate as shown in the latest published and accepted rainfall guidance from the National Oceanic and Atmospheric Administration. In determining the rate of storm water runoff or volume of storm water to be expected from a 100-year storm, the analysis procedure to be used shall be any method which is in accord with generally ~~accepted~~ principles and standards of hydrology accepted by City of Albuquerque, Bernalillo County, or the Authority, except in areas where a drainage management plan has been adopted, in which latter event the analysis procedure shall be used as preliminary guidance in such plan. ~~The "rational method" may be used for drainage areas containing less than 40 acres.~~
- ~~G.I.~~ A "major arroyo" is that portion of an arroyo whose watershed above the point exceeds 320 acres, any portion of an arroyo which has been delineated as a ~~flood hazard area~~floodplain, or that portion of an arroyo which would be a major arroyo had it not been for a detention or diversion structure built or authorized by a public authority.
- ~~H.J.~~ "Executive Engineer" means the Executive Engineer or Executive Director of the Authority.
- ~~I.K.~~ "Designee" means any person designated under the provisions of Section 14 hereof to act on behalf of the Executive Engineer.

SECTION 3 NO ALTERATION OF NATURAL TOPOGRAPHY.

- A. Except as permitted by this ~~Regulation~~Resolution and the regulations by the City of Albuquerque and Bernalillo County, the natural topography, drainage pattern and perviousness of any lot, tract or parcel of land within the ~~territory~~jurisdiction of the Authority may not be

altered by grading, filling, excavating or subdividing, or by the construction of pavement, streets, buildings or other structures.

SECTION 4 ALTERATION REQUIREMENTS.

- A. Alteration as described in Section 3 is permitted if, in the event a 100-year storm occurs upon such lot, tract, or parcel, and the land draining therein, the following requirements will be met:
1. The storm surface waters emanating from higher lands and draining through or along such lot, tract or parcel in a storm drainage facility will be able to pass through such property in such storm drainage facility at a rate of flow, velocity, quantity and location as does not exceed the capacity of storm drainage facilities on such property and downstream; or, in the alternative, will be able to pass through such property in such drainage facility at a rate of flow, velocity, and location reasonably similar to or lesser than that which existed before such alteration.
 2. The storm water runoff from such lot, tract, or parcel will discharge from such property into, and in such manner as does not exceed-, storm drainage facilities downstream, or, in the alternative, will discharge from such property at a rate of flow, velocity and location reasonably similar to or lesser than that which existed before such alteration.
- B. ~~If Paragraphs 4A and 4B are~~ If Paragraph 4.A is otherwise complied with and if no hazard is created and no damage will ensue, storm water runoff may be concentrated and diverted so that it enters a storm drainage facility at a different location. Storm drainage facilities satisfactory to public authority shall be designed and built for such concentration or diversion. If diversion or concentration crosses private lands, an easement or right-of-way satisfactory to a public authority shall be furnished with no additional compensation.
- C. Provided that downstream facilities are of adequate capacity and that public safety will not be impaired, compliance with some or all of the provisions of Paragraph ~~4B~~ 4.A.1 may be waived by the Executive Engineer or ~~his~~ their Designee if one of the following situations exists:
1. Compliance would be impractical by reason of the size, soil perviousness or grade of such lot, tract, or parcel; or
 2. ~~Permanent zoning and construction are entirely for single family detached housing;~~
 3. ~~The lot, tract, or parcel is five acres or less in area and the composite "C" factor (as used in the rational formula) is less than 0.5; or,~~
 4. 2. An interim drainage solution will provide adequate safeguards pending completion of permanent protection in accordance with this ~~regulation~~ Resolution.
- D. Determination of reasonable similarity, satisfactory diversion facilities and easements, and other decisions or waivers permitted or required herein shall be made by the Executive Engineer or ~~his~~ their Designee in accordance with locally applicable general engineering and public safety practices.
- E. The standards set forth in Paragraph ~~4A~~ 4.A are intended to protect existing watercourses and floodplains from encroachment. ~~The standards set forth in Paragraph 4B, and~~ are intended to prevent the allowable capacity of existing watercourses, floodplains and storm drainage facilities from being exceeded. Any alteration governed by this Regulation ~~Resolution~~ shall be performed in compliance with Paragraph ~~4A and 4.A~~, except where waived, ~~in compliance with Paragraph 4B~~. Design runoff shall be computed by a licensed professional engineer in the state of New Mexico competent in surface hydrology and drainage on the basis of the alteration and improvements to be constructed on such lot, tract, or parcel, in accordance with the requirements, intent, and standards of this Regulation ~~Resolution~~.

SECTION 5 COMPLIANCE BY LOCAL AGENCIES.

- A. All grading, filling, excavating, and construction hereafter performed by State or local governmental bodies, agencies, or departments within the territory jurisdiction of the Authority, shall comply with the standards established by this Regulation Resolution.
- B. Failure of any State or local government body, agency, or department to incorporate, administer, or enforce any standard or requirement contained in this Regulation Resolution shall not excuse any person, firm, or corporation, or any public body from compliance with any standard or requirement contained in this Regulation Resolution. Compliance with this Regulation Resolution will not relieve any person or public body from any legal duty to pass and discharge storm water runoff in a manner which will not cause damage to the person or property of another.

SECTION 6 MINIMUM STANDARDS OF DESIGN.

- A. All applications for plat, replat, development plan, or subdivision approvals filed with any local government subdivision, agency, board, officer, or commission within the territory jurisdiction of the Authority shall have attached thereto the following:
 - ~~B. A contour map of the lands under consideration prepared under the direction of and signed by a licensed surveyor or professional engineer in the state of New Mexico showing the existing structures and pavement, and the existing elevation above mean sea level of the lowest point on such lot, tract or parcel, and relative elevations of all land and improvements which may affect drainage within 100 feet thereof. Vertical intervals for contour maps shall not exceed the following: One foot for slopes under 1%; two feet for slopes between 1% and 5%; five feet for slopes in excess of 5%. The scale shall not exceed 200 feet to one inch; and~~
 - 1. A drainage report and plan prepared under the direction of and signed by a licensed professional engineer in the state of New Mexico conforming to this Regulation Resolution, including such reference to and drawings of existing storm drainage facilities and drainage areas as may be appropriate to illustrate adequately such report and plan. Such report and plan must clearly identify and locate each watercourse situate within or along such lot, tract or parcel, and depict and compute the area draining into such property. In areas where a drainage management plan has been adopted, supplemental hydrologic analysis is required to determine actual flowrates for each identified watercourse situated within or along such lot, tract or parcel. The report and plan must include provisions for mitigating soil erosion during and after construction, a preliminary design of proposed drainage facilities including the energy grade line, hydraulic grade line, and erosion setback, if applicable, for each identified watercourse situated within or along such lot, tract or parcel, and indicate easement or right-of-way to be dedicated to a public authority for drainage. Personal inspection of the land by the engineer is required, along with a statement as to whether it appears that grading, filling, or excavation has occurred thereon since the contour map was prepared; and
 - 2. A written agreement between the owner of the lands being platted or developed, and the Authority, that no grading, filling, excavating, or other alteration will be performed except pursuant to a grading plan prepared under the direction of and signed by a licensed professional engineer, ~~architect or surveyor~~ in the state of New Mexico, where a major arroyo or its 100-year floodplain will be encroached upon. The grading plan shall be approved by the Executive Engineer or ~~his~~their Designee and shall depict the proposed alteration, including the finished elevations of the area to be graded, the paved areas,

building pads, streets, drainage facilities, and other structures. Such grading plans and site plans shall incorporate by reference and comply with the provisions of the report and plan required by Paragraph ~~6B~~ hereof 6.A.1.

SECTION 7 WATERCOURSES AND FLOODPLAIN.

- A. No application for a building permit, where the lot, tract, or parcel is located wholly or partly within or along a watercourse or 100-year floodplain may be approved by any local or State government agency, board, officer, employee, or commission, unless the documents described in and prepared in accordance with Section 6 of this ~~Regulation~~Resolution have been incorporated by reference in, the procedure outlined in Section ~~98~~ for alteration is followed, and performance of the alteration in the manner set forth therein is made a condition of approval of, such building permit issued by the State or local governmental department or agency having jurisdiction thereof.
- B. Any watercourse or 100-year floodplain altered or encroached upon in violation of this Resolution or pursuant to a building permit issued in violation of this Section shall be restored to its original condition by the owner or their contractor upon the demand of the Authority, and in event such restoration is not promptly performed, the Executive Engineer is authorized to seek injunctive and other relief.
- C. No plan, plat, or replat for the development or subdivision of any land within the ~~territory~~jurisdiction of the Authority may be approved by any local governmental body or political subdivision without the prior written approval endorsed thereon by the Executive Engineer or ~~his~~their Designee. Such approval shall be granted if the documents required by and prepared in accordance with Section 6 of this ~~Regulation~~Resolution have been incorporated in, the procedure outlined in Section ~~98~~ for alteration is followed, and performance of the alteration in the manner set forth therein is made a condition of approval of, such plan, plat, or replat by the local governmental body or political subdivision having jurisdiction thereof.
- D. No summary plat within the ~~territory~~jurisdiction of the Authority may be approved by any local governmental official without the prior written approval endorsed thereon by the Executive Engineer or the Designee. Such approval shall be granted only if drainage easement or right-of-way adequate to pass the 100-year storm for major arroyos, at minimum, is granted or dedicated to a public authority.
- E. All easement or right-of-way required to preserve an existing arroyo or to implement an approved drainage plan shall, to the extent the same is located within the 100-year floodplain at minimum, be granted or dedicated to ~~a public authority~~the National Flood Insurance Program Community, unless otherwise agreed to in writing by the Authority, without compensation as a condition of approval. Where the easement or right-of-way required for implementation of an approved drainage plan occupies less land than that required to preserve an existing arroyo, the entire amount of easement or right-of-way required to preserve the existing arroyo shall be granted until actual implementation of the plan, and there shall be incorporated in the instrument of grant or dedication appropriate reverter provisions to return the excess land to the grantor or dedicator upon construction of approved drainage plan improvements. The easement or right-of-way required to preserve an arroyo is that land constituting its 100-year floodplain and all areas determined to be within the energy grade line limits as determined in the required drainage analysis report by Section 6 of this ~~Regulation~~Resolution. Limited grading or modification will be allowed within the area needed to preserve the arroyo in accordance with Section ~~43~~12.

SECTION 8 ALTERATION OF WATERCOURSES AND FLOODPLAIN.

- A. Under existing resolutions and codes, land alteration within the 100-year floodplain is forbidden without written approval of ~~public authority~~the responsible Floodplain Administrator, and modification of arroyos, including borrowing, filling, or dumping, is forbidden without written approval by the Authority ~~and/or responsible jurisdiction~~. Where the landowner desires changes to a 100-year floodplain or an arroyo, the cost of such modification or alteration, including entrance and exit structures and right-of-way acquisition, shall be paid for by the owner, except where a public project which would accomplish such modification or alteration has been authorized and funded. Design shall be approved, and construction monitored by public authority.
- B. Under appropriate circumstances, the Board may authorize the prosecution by the Authority of eminent domain proceedings to acquire right-of-way for drainage improvement plans which will be implemented at private expense but owned by public authority.
- C. Any land alteration within any ~~delineated flood hazard area~~100-year floodplain within the ~~territory~~jurisdiction of the Authority shall comply with all procedures outlined by the applicable local statute or ordinance and those of the National Flood Insurance Program which may include but is not limited to: Conditional Letters of Map Revision, Letters of Map Revision, or Physical Map Revisions.

SECTION 9 COST OF CONSTRUCTION.

- A. Subject to availability of funds and with the approval of the Board of Directors, a public authority ~~shall~~may pay or enter a cost-sharing agreement for major detention dams, major diversions, ~~and/or~~ crossing structures ~~for major arterials and collection streets~~. Additionally, a public authority may elect to pay or enter a cost-sharing agreement for other selected features of drainage management plans. Cost sharing shall be conducted in accordance with Section ~~44~~10 of this ~~regulation~~Resolution.

SECTION 10 COST SHARING AND TURNKEY AGREEMENTS.

- A. When circumstances warrant, the Authority may share with landowners, developers, or other governmental agencies the cost of channel improvements, diversions, dams and other flood control facilities.
- B. Each situation shall be evaluated on its individual merit; however, the fundamental requirement for Authority participation is public benefit. For the purpose of this Resolution, public benefit is defined as safeguarding human lives from the threat of floodwaters and protecting property, both public and private, from flooding, erosion and sedimentation. Prior to commitment of Authority funds for construction, the Board of Directors shall approve a written agreement detailing cost sharing arrangements. Normally these arrangements will include provisions for the Authority to approve project plans, administer the construction contract, inspect the project during construction for compliance with plans and specifications, and manage the project following construction. Additionally, landowners will be required to provide all necessary easements and/or right-of-way and financial guarantees satisfactory to the Authority for their share of project costs.
- C. For development projects which include channel improvements, diversions and other flood control facilities which the Authority has agreed to maintain upon completion and are subject to financial guarantees, the Authority may consider a one-time reduction of fifty percent (50%) of the original guarantee. This one-time reduction will only be considered if the flood control infrastructure is substantially complete for its intended purpose, is found to be acceptable to the

Authority, and is awaiting closure. It will be up to the discretion of the Authority to grant this reduction.

- D. The Board of Directors may enter into a turnkey agreement with landowners, developers, or other governmental agencies whereby the Authority will assume maintenance responsibilities for drainage infrastructure funded largely or entirely from landowners, developers, or other governmental agencies. The drainage infrastructure shall be constructed to the standards set by the Authority and completed to the satisfaction of the Authority. The entity funding the construction shall enter into an agreement with the Authority detailing relevant time limits, granting of access to the Authority to approve project plans and specifications prior to construction, and review and inspection of the project during construction for compliance with approved plans and specifications. Failure to obtain the Authority's approval for infrastructure to be maintained by the Authority waives any obligation for the Authority to maintain the infrastructure after construction.
- E. The Board of Directors shall periodically review and may revise the priorities and schedules for all Authority projects, including those projects cost-shared with landowners.
- F. This Resolution does not relieve landowners of obligations for land dedication, channel improvements and additional requirements that may otherwise exist.
- G. The Board of Directors may elect to establish a cost-share partnership with private or government entities to develop storm drainage infrastructure in areas governed by a drainage management plan prior to the commencement of development. Subject to an agreement with all parties involved, the Authority will may fund and construct the necessary storm drainage infrastructure. The partner agencies will agree to a payment schedule for their portion of the infrastructure cost. The agreement shall be in writing and delivered to all agreement participants.

SECTION 11 MAINTENANCE RESPONSIBILITIES.

- A. The maintenance of channel improvements, diversions and other flood control facilities constructed by the Authority on land owned or granted to the Authority by right of way, shall be the responsibility of the Authority. The Authority may, under new or existing agreements, agree to the assignment of maintenance responsibilities to and from local partner agencies which have authority over drainage in the Authority's territory jurisdiction. Such assignment of maintenance responsibilities shall be agreed to in writing and delivered to all partner agencies involved.

SECTION 12 ENCROACHMENTS.

- A. The Executive Engineer is authorized to issue revocable licenses to construct minor improvements within dedicated easement or right-of-way areas.
- B. Such minor improvements include but may not be limited to driveways, culverts not larger than four (4) feet diameter, fences, walls, private utility lines, and minor grading and landscaping associated with these improvements or to otherwise improve the appearance of the Authority's right-rights-of-way.

SECTION 13 POWERS OF THE BOARD OF DIRECTORS.

- A. The Board of Directors of the Authority shall, whenever requested, authorize such persons as may be designated by the Chief Executive Officer of any State or local governmental body, agency or commission to act the name, place and stead of the Executive Engineer of the Authority, in granting or denying approvals or waivers under this Regulation Resolution, provided that:

1. Each person so authorized shall be a licensed professional engineer in the state of New Mexico, competent in surface hydrology and drainage, in the full-time employment of the cooperating entity; and
 2. An agreement has been entered into between the Authority and such cooperating entity under the provisions of Section 72-16-22, N.M.S.A., 1978 and the Joint Powers Agreement Act; and
 3. Copies of all decisions of such Designee and of drainage plans and reports approved, modified or rejected by him will be furnished to the Executive Engineer at the time of decision thereof; and
- B. Such Designee and the Executive Engineer shall coordinate their respective drainage-related activities and establish criteria for which the Designee shall refer the granting or denying of approvals or waivers to the Executive Engineer.

SECTION 14 DISTRIBUTION.

- A. The Executive Engineer is directed to provide copies of this RegulationResolution to all state and local governmental boards, agencies, officers, and commissions having jurisdiction to construct improvements, to issue building permits, or to review and approve subdivision plats within the territoryjurisdiction of the Authority; to make available copies of this RegulationResolution to all persons, firms and corporations requesting the same; to seek the cooperation of all State and local governmental boards, agencies, officers, and commissions in the application and enforcement of this RegulationResolution; and to institute such legal proceedings, including legal proceedings against such persons, firms and corporations who are in nonconformance to the standards and requirements of this RegulationResolution, as may be necessary and appropriate to enforce this RegulationResolution. Any storm drainage facility or floodplain that is altered in non-conformance to this RegulationResolution shall be restored to a condition which will comply with Section 4A hereof by or at the expense of the person, firm or corporation who made such alteration, and the Executive Engineer is directed to institute such legal proceedings as may be necessary to accomplish such restoration.

SECTION 15 WARNING AND DISCLAIMER OF LIABILITY.

- A. The degree of drainage control intended to be provided by this RegulationResolution is considered reasonable for regulatory purposes and is based on engineering and scientific methods. Larger high intensity storms may occur on occasion within any drainage area and flood hazards may be increased by man-made or natural causes such as blockage or failure of storm drainage facilities. This RegulationResolution does not imply that the structures regulated herein nor those areas which drain from the structures regulated will always be totally free from excess drainage, flooding, or flood damages. This RegulationResolution shall not create a liability on the part of or a cause of action against the Authority or any other political subdivision of New Mexico or any officer or employee thereof or any other person, firm, or corporation for any flood or drainage damages that may result from reliance on this RegulationResolution.

SECTION 16 LAND USE REGULATIONS.

- A. Every land use regulated under the provisions of this RegulationResolution which shall be conducted or performed without compliance with this RegulationResolution shall be a public nuisance and the same may be enjoined and the maintenance thereof may be abated by an action at suit of the city or county in which it is located, or by the Authority, or by any citizen thereof.

SECTION 17 APPROVALS AND APPEALS OF PLATS, PLANS, AND EXEMPTIONS.

- A. The Executive Engineer of the Authority or ~~his~~their Designee shall, within a reasonable and practicable amount of time after the submission to him of a request in writing for the approval of a plat, development plan or exemption, approve or deny the request and deliver a copy of ~~his~~their decision to the applicant. If the request is denied, the reasons for such denial shall be stated in writing. Any applicant aggrieved by a decision of the Executive Engineer or ~~his~~their Designee or absence of such decision, may appeal such decision to the Technical Standards Committee of the Authority. Such appeal shall be made by notice of appeal in writing addressed to the ~~Chairman~~Chair of the Technical Standards Committee and delivered to the office of the Authority within thirty (30) days after the date of copy of the decision was delivered to the applicant.
- B. The ~~Chairman~~Chair of the Technical Standards Committee shall notify the applicant and the Executive Engineer, and ~~his~~their Designee, if any, of the date, time, and place of the appeal hearing at least five (5) days prior to the hearing date. Such hearing shall be conducted not earlier than ten (10) days nor later than thirty (30) days after the filing of the notice of appeal. At the hearing, the Technical Standards Committee may consider such facts, exhibits, and engineering principles as may be presented by the applicant or the Executive Engineer or ~~his~~their Designee, or of which the members may have knowledge or experience, and may affirm, reverse or modify the decision appealed from, and attach as conditions to their decision such requirements as in their opinion may be necessary or appropriate to safeguard persons and property from storm water runoff.
- C. Each decision of the Technical Standards Committee shall be in writing and shall state reasons therefor. A copy of the decision shall be promptly ~~mailed~~delivered to the applicant and to the Executive Engineer and ~~his~~their Designee. The Executive Engineer or ~~his~~their Designee and applicant aggrieved by any decision of the Technical Standards Committee may appeal such decision to the Board of Directors of the Authority. Such appeal shall be requested by notice of appeal in writing addressed to the ~~Chairman~~Chair of the Board of Directors and delivered to the office of the Authority within thirty (30) days after the date a copy of the decision was mailed to the applicant. Such appeal shall be heard at the first meeting of the Board of Directors held at least ten (10) days after receipt of such notice of appeal. The Board of Directors may affirm, reverse, or modify the decision of the Technical Standards Committee.

SECTION 18 TECHNICAL STANDARDS COMMITTEE.

- A. ~~There is hereby created~~Upon passage of this Resolution the Board of Directors shall appoint a Technical Standards Committee, consisting of five members who ~~were appointed by the Board of Directors of the Authority on July 25, 2019, and who~~ shall serve without pay. ~~All current members shall serve terms ending August 1, 2022. Subsequent terms~~The term shall be for ~~three~~five years. Four of such members shall be professional engineers ~~licensed with active, retired, or inactive licensure~~ in the state of New Mexico, be competent in the science of surface water hydrology, and have experience in solving surface drainage problems.
- B. The members shall select one member to serve as ~~Chairman~~Chair, and their decisions shall be by majority vote of the members attending a hearing. A quorum shall consist of three members. The Technical Standards Committee shall hear and determine all appeals as provided by Section 17 of this ~~Regulation~~Resolution and shall from time to time recommend modifications of this ~~Regulation~~Resolution to the Board of Directors. The Executive Engineer shall provide

such facilities, supplies, and services, including postage, stationery and secretarial assistance, as may be required by the Committee.

- C. Should a member of the Technical Standards Committee be unable to serve the duration of their term, the Board of Directors shall appoint a new member to the Technical Standards Committee to take over the duration of the term.

SECTION 19 INVALIDATION CLAUSE.

- A. If any part or application of this ~~Regulation~~Resolution is held invalid, the remainder of the ~~regulation~~Resolution, or its application to other situations or persons, shall not be affected.

SECTION 20 DATE OF EFFECT.

- A. This ~~Regulation~~Resolution shall take effect immediately.

SECTION 21 REVIEW OF DRAINAGE POLICY.

- A. This ~~Regulation~~Resolution shall be reviewed by the Authority every five (5) years with the intent of keeping the policy up to date and current with all applicable standards and regulations.

SECTION 22 REPEAL OF PREVIOUS RESOLUTIONS AND PROCEDURES.

- A. ~~Resolutions 1975-8, 1980-3, 1980-7, 1980-15, 1981-8, 1982-4, 1984-3, and 1993-4 are~~Resolution 2020-11 is hereby repealed, but such repeal shall not affect rights, duties, or liabilities accrued under those portions of the aforementioned ~~resolutions~~resolution which ~~have~~has been re-enacted herein. Any such reference to the aforementioned ~~resolutions~~resolution will now refer to this resolution. ~~All other drainage procedures not named herein are hereby repealed, but such repeal shall not affect rights, duties, or liabilities accrued under those portions of those policies which have been re-enacted herein.~~

PASSED, ADOPTED, AND SIGNED this _____ day of _____, ~~2020~~2025.

ALBUQUERQUE METROPOLITAN ARROYO
FLOOD CONTROL AUTHORITY

~~Bruce M. Thomson~~Ronald D. Brown, Chair
Board of Directors

ATTEST:

~~Deborah L. Stover~~Orlando G. Martinez Jr., Secretary - Treasurer