



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
August 24, 2017  
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**1. Call to Order and Roll Call**

Chair Thomson called the Regular Board Meeting to order at 10:02 a.m. Thursday, August 24, 2017. Roll was noted as follows:

Directors present:                      Chair Bruce M. Thomson  
   Director Cynthia D. Borrego – left at 12:00 noon  
   Director Ronald D. Brown  
   Director Tim Eichenberg  
   Director Deborah L. Stover

Directors excused:                      None

Attorney present:                      Attorney Randy Autio, Robles, Rael & Anaya

Others present:                         Jerry M. Lovato, P.E., Executive Engineer  
   Staff

A quorum was present.

**2. Approval of Agenda**

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

**3. Meetings Scheduled**

- a.     **September 28, 2017, 10:00 a.m. – Regular Meeting**
- b.     **October 26, 2017, 2017, 10:00 a.m. – Regular Meeting**
- c.     **November 16, 2017, 10:00 a.m. – Regular Meeting**

Director Borrego stated she might miss the September 28, 2017 meeting. Director Stover mentioned she might miss the October 26, 2017 meeting. There were no changes made to the dates listed above.

**4. Items from the Floor/Public Comments**

Ms. Genieva Meeker, former AMAFCA Board Director / employee, addressed the Board stating Mr. Stanley Zuris (former AMAFCA Legal Counsel) recently passed away. Mr. Zuris was with AMAFCA at the conception of the Authority. She further stated he was a big loss to the community and a major part of AMAFCA. Chair Thomson stated that he also contributed to the

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History of AMAFCA document and asked that all Directors and Ms. Meeker receive a copy of the document via email.

### **5. Approval of Minutes**

#### **a. July 27, 2017**

Director Brown made a motion to approve the minutes of July 27, 2017. Director Borrego seconded the motion, which passed (5-0).

### **6. Financial Matters**

#### **a. Resolution 2017-13, Consideration for Approval of the FY 17 Final Budget Adjustment**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Responding to questions from Director Brown, Mr. Chavez stated the information provided to DFA satisfied their concerns. He further stated that the correction took care of an error that occurred when actual numbers were used instead of budget numbers. All cash left over at the end of the fiscal year will be transferred into the appropriate fund, per Board Resolution. Resolutions are written based on the Calendar Year and not the Fiscal Year. Responding to questions from Director Eichenberg, Mr. Chavez stated that the Resolution had not be reviewed by the Audit Firm. He further stated that based on his past experience as a CPA, he did not see that the Budget adjustment would be considered a finding and he had worked with DFA to get their input. Responding to a question from Director Borrego, Mr. Chavez stated that the Resolution includes a summary of steps that shows what had occurred and that the Saiers name needed to be included as part of the summary.

Director Brown made a motion that the Board approve adoption of Resolution 2017-13, FY 17 Final Budget Adjustment, which should include the revised Budget. Director Stover seconded the motion, which passed unanimously (5-0) on a roll-call vote.

#### **b. Resolution 2017-14, Consideration for Approval of the FY 18 Budget Restatement**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

Director Brown made a motion that the Board adopt Resolution 2017-14, Fiscal Year 2018 Budget Restatement. Director Stover seconded the motion, which passed unanimously (5-0) on a roll-call vote.

#### **c. FY 18 Budget to Actual**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. He stated that the General Admin line item exceeded the projected budget amount by \$70K due to payment of liability/automobile/worker's comp insurance. Responding to a question from Director Borrego, Mr. Chavez stated the health insurance

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payments are done through CoA and not considered part of the insurance payment premium; it is all general liability. Responding to a question from Chair Thomson regarding check number 5264, Mr. Kevin Troutman, AMAFCA GIS Manager, stated the payment is for the annual programmatic dust control permit, which is paid yearly.

### **d. AMAFCA Cash & Investments**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

### **e. Approval of July 2017 Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

Director Stover made a motion to approve the July 2017 Expenditure Report. Director Brown seconded the motion, which passed (5-0).

### **f. Financial Position Recap July 16, 2017 through August 15, 2017 & Forecast August 16, 2017 through September 15, 2017**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

Director Brown made a motion that the Board approve the Financial Forecast. Director Stover seconded the motion, which passed (5-0).

### **g. Fiscal Agent Funds – Proof of Cash and Savings**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There were no questions.

## **7. Legal**

Attorney Randy Autio stated the month consisted of preparing for the third and hopefully final, deposition of Mr. Kurt Wagener. He further stated that while Mr. Wagener participated after his surgery he did very well. It was shown that the issues with the Dam Safety Bureau were ongoing. The month also included review of items which included the Montano Levee and working out how AMAFCA might take over project management for the project.

## **8. Executive Engineer's Report**

### **a. Notification of Past Month's Activities**

Mr. Jerry Lovato, AMAFCA Executive Engineer, highlighted significant activities from the past month:

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- **University of New Mexico North Golf Course:** AMAFCA reviewed and commented on the draft agreement by Bernalillo County (BernCo). A meeting was held between all parties to discuss AMAFCA's comments. A new draft agreement is being drafted and will be the subject of a future Board Meeting.
- **City of Albuquerque**  
*Moon Mini DMP – Inundation Mapping Update:* The additional mapping has been completed and will be incorporated into the Moon Mini Drainage Management Plan.

*Marble Arno Pump Station Update:* City of Albuquerque (CoA) staff are working within the modified scope of work to incorporate AMAFCA comments and concerns. Smith Engineering will be presenting a preliminary review of the pump station hydraulics to CoA.

*Caravan Site – Regional Flood Control and Water Quality Improvement Update:* CoA had purchased the property for a future library and is leaving the pond option open. CoA is interested in a regional solution to the Dallas Storm Drain which could be incorporated into the Caravan site. Meetings to discuss the possible use of the library land will be held on Friday. Staff will keep the Board apprised of any further developments.

*Montano Levee Update:* CoA with help from BernCo, AMAFCA, and the Middle Rio Grande Conservancy District (MRGCD) submitted a grant request for mitigation funds from the Federal Emergency Management Agency (FEMA). The grant requires a 25 percent local sponsor share and FEMA would provide 75 percent of the grant request. At last month's Board Meeting, the Board was informed that the MRGCD would not be able to manage the project due to personnel changes at the District. The Board was informed that the CoA and BernCo did not have staff at this time to manage the project and that AMAFCA may need to provide management of the project in addition to help fund the project. Responding to a question on the management of the project from Chair Thomson, Mr. John Castillo with CoA stated that the project is a unique opportunity not only for CoA, but for the other four sponsors. He further stated that there is a very tight timeline, and all parties agreed that AMAFCA should manage the project, and CoA is working to make sure the Federal agencies commit at their end. There was a brief discussion regarding the NEPA process, the responsibilities of the MRGCD, and how the MRGCD Board would need to be in agreement. Responding to questions from the Board, Mr. Lovato stated this will be a topic of discussion at the upcoming MRGCD Board meeting at the MRGCD office.

- **AMAFCA**  
*State Fair Parade 2017:* AMAFCA will participate in this year's Expo New Mexico State Fair Parade to be held on September 9. Board and family members are welcome to ride on the AMAFCA float.

### **b. Notification of On-Call Services Task Orders**

Mr. Lovato referred to the memo for task orders that had been issued the prior month. There were no questions.

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Chair Thomson stated that agenda **Items 9 through 12** were on the Consent Agenda. Director Borrego made a motion that the Board accept the items on the Consent Agenda. The motion taken approved the following:

- Authorize the Chief Procurement Officer to advertise the Requests for Proposals for On-Call Survey, Geotechnical and Materials Testing Services, Appraisal, Title, and Oblique Aerial Photography Services; and
- Authorize the Chief Procurement Officer to advertise Requests for Proposals for On-Call Storm Water Quality / Environmental Engineering Services; and
- Approve the Agreement with Bohannon Huston, Inc. to provide Design and Construction Management Engineering Services for the Calabacillas Grade Control Structure 1a1 Project, not to exceed \$153,983.35, plus New Mexico Gross Receipts Tax; and
- Approve the Memorandum of Agreement for the 2018 Regional Digital Orthophotography and LiDAR Project and authorize the Chair to execute the same with the MRCOG.

Director Brown seconded the motion, which passed (5-0).

### **13. Resolution 2017-15, Consideration for Approval of the Ad Valorem Tax Levy for Tax Year 2017, Applicable to General Operating Fund**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. Responding to a question from Director Brown regarding if DFA will contest, Mr. Chavez replied that he did anticipate them to contest since the Yield Control Act will dictate the Mill Levy Rate. Responding to a question and comment from Director Eichenberg, Mr. Chavez agreed that the State Statute is to be followed and the Assessor's office does not keep track of market conditions. A brief discussion followed regarding the Assessor's office not doing their job; the County needs to be held responsible; an increase in Mill Levy impacts AMAFCA, CoA, BernCo, and other municipalities; a formal request should not be sent from AMAFCA but done in a collaborative effort; it is not as if there is not funding since the Legislature appropriates funds for the work, etc. Chair Thomson asked that a Mill Levy discussion take place at the next Board meeting.

Director Brown made a motion that the Board adopt Resolution 2017-15, Ad Valorem Tax Levy for Tax Year 2017, Applicable to General Operating Fund. Director Stover seconded the motion, which passed unanimously (5-0) on a roll-call vote.

### **14. Resolution 2017-16, Consideration for Approval of the Ad Valorem Tax Levy for Tax Year 2017, Applicable to Debt Service Fund**

Mr. Chavez introduced Mr. John Archuleta with George K. Baum. Mr. Archuleta passed out information to the Board answering a number of questions from Director Eichenberg regarding information the Director was provided earlier in the meeting versus the information passed out from George K. Baum.

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Director Eichenberg made a motion that the Board adopt Resolution 2017-16, Ad Valorem Tax Levy for Tax Year 2017, Applicable to Debt Service Fund. Director Borrego seconded the motion, which passed unanimously (5-0) on a roll-call vote.

**15. Louisiana-Gibson Regional Drainage Facility at Kirtland AFB**

**a. Security Fence Project - Consideration for Award of Construction Contract to Qualified Low Bidder**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. He pointed out that he failed to send out the required campaign disclosure form; however, one was provided in their folder. Responding to questions from the Board on the cost, size, and length of the fence, Mr. Bingham recapped all information and stressed that the fence is not a commercial rated fence, but a security fence that meets the requirements of the US Air Force.

Director Brown made a motion that the Board accept Apache Construction, dba Valley Fence Company, as the lowest responsible bidder and authorize the Chair to execute the contract for the construction of the Louisiana Gibson Regional Drainage Facility at Kirtland AFB for the Security Fence Project in the amount of \$199,561.59, plus New Mexico Gross Receipts Tax. Director Borrego seconded the motion, which passed (5-0).

**b. Regional Drainage Facility at Kirtland AFB – Consideration for Approval of a Funding Agreement with the City of Albuquerque**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. Mr. Bingham responded to numerous questions from the Board. There was a brief discussion regarding the need to remove trees (AMAFCA had not yet), the easement, scope and cost costs to date, etc. Mr. Bingham stated he will keep tabs on what needs to be invoiced to CoA to make sure amounts are reflected correctly. Responding to questions from Director Eichenberg, Mr. Bingham stated there will not be a multi-use feature; however, it will be a positive enhancement when the flood plain has been taken out. Mr. Lovato stated that the pond (caravan site) will not be fenced by AMAFCA. AMAFCA does not fence; however, CoA Parks and Recreation department do have that capability. The Board congratulated AMAFCA on getting this project to the current point.

Director Brown made a motion that the Board approve the Funding Agreement with the City of Albuquerque for the Design and Construction of the Louisiana Gibson Regional Drainage Facility at Kirtland AFB, substantially as attached, and authorize the Chair to sign same on behalf of AMAFCA. Director Borrego seconded the motion, which passed (5-0).

**c. Regional Drainage Facility at Kirtland AFB - Consideration for the Authorization to Advertise for Construction Bids**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. There were no questions.

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Director Eichenberg made a motion that the Board authorize the Chief Procurement Officer to advertise for construction bids for the Louisiana-Gibson Drainage Facility at Kirtland AFB. Director Brown seconded the motion, which passed (5-0).

### 16. AMAFCA Projects

#### a. West I-40 Diversion Channel Phase IV – Project Update

Mr. Nolan Bennett, AMAFCA Field Engineer, summarized information provided in the memo. Mr. Bennett answered numerous questions. The project covered the project timeline and phases of the project, collaboration with the various partners, as well as private developers, etc. Mr. Bennett closed his presentation stating that not only will the last phase of the project result in an important drainage facility, but will also include the unique Volcano water quality feature, which will serve as part of the El Pedergal also known as The Stoney Place enhancement facility.

#### b. Tijeras Arroyo Facility Plan – Project Update

Ms. Lynn Mazur, AMAFCA Development Review Engineer, stated a Resolution to adopt the Facility Plan will be brought before the Board at the September meeting. Smith Engineering is in the process of completing final edits on the report concentrating on the recommended improvements of grade control structures and limited bank protection on the reach between I-25 and Four Hills Road, a distance of 12 miles. A public meeting took place in which Chair Thomson participated. There were no questions.

#### c. Gibson – San Mateo Regional Drainage Facility Feasibility – Consideration for Approval of a Funding Agreement with the City of Albuquerque

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo. Responding to questions from the Board, Mr. Bingham covered the costs, stated that CoA does not have money or a plan for the proposed Veterans Integration Center, CoA owns the property, 960 parcels are in the affected flood plain, etc.

Director Eichenberg made a motion that the Board approve the Funding Agreement with the City of Albuquerque for the Feasibility and Design of the San Mateo-Gibson Regional Drainage Facility, substantially as attached, and authorize the Chair to sign same on behalf of AMAFCA. Director Stover seconded the motion, which passed (4-0). Director Brown was out of the room at the end of this item.

### 17. Storm Water Quality

#### a. E. coli Monitoring in Rio Grande Watershed - Presentation by Storm Water Quality Engineer

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, opened with a slide of the annual report which is due December 1, 2017 for FY-2017. The presentation covered various topics such as vegetation removed from each watershed, homeless debris, E. coli coliform levels along the Rio Grande River (2017 testing), TMDL, etc. Responding to questions from Chair Thomson on compliance with E. coli and the State standard, Mr. Chavez stated that Sandia Pueblo has 40

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cfu's per milliliter and the grab sample is below State and Pueblo standards. Both AMAFCA and SSCAFCA will be presenting on the E. coli TMDL at the upcoming Region 6 conference. The presentation continued with information on the Storm Team providing funding for the previous UNM/AMAFCA intern and information from the 13 leveloggers.

### **b. Public Outreach Results in the Rio Grande Urban Area - Presentation by Storm Water Quality Engineer**

Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, covered information provided from the various 2,600+ surveys and the efforts of AMAFCA, the Storm Team, and the Storm Water Education Coordinator. There were no questions.

## **18. AMAFCA Field Highlights**

### **a. Field Report**

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the last month. The slides opened with a red racer snake at the San Antonio Arroyo and continued with slides and video of the NM Vigilant Guard 7.0 earthquake exercise, various slides and video at the North Diversion Channel & Outfall, Trash, videos and slides of the 7/31/17 and 8/11/17 storms. Mr. Troutman responded to Chair Thomson's questions regarding flow rates from the storms. The presentation continued slides of the Agency and Area-Wide 2017, Marble Arno Station Tour, Valle de Oro EA Meeting, Misc. Construction 2017 project, AMAFCA Telemetry Phase 1, North Camino Diversion Dike Project with video, West I-40 Diversion Phase IV videos and slides, and closed with a slide of the moon and a picture taken during the Great American Eclipse of 2017.

### **b. Construction Report**

Responding to a question from Chair Thomson regarding the status of the Telemetry project, Mr. Kevin Troutman, AMAFCA GIS Manager, stated that work was being done on site as the Board meeting was happening, some data has been collected, and there will be work done to see how to make the data available to the public for viewing.

## **19. Real Estate**

### **a. Embudo Channel at Jefferson Property Lease – Consideration for Authorization to Advertise for Lease Bids**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions.

Director Eichenberg made a motion that the Board authorize the Chief Procurement Officer to advertise the Embudo at Jefferson Property for lease bids. Director Stover seconded the motion, which passed (3-0). Director Brown was out of the room and Director Borrego had left the meeting prior to this item.

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**b. Danny's Diversion Property Lease Formally Known as Miranda Property – Consideration for Authorization to Advertise for Bids**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions.

Director Eichenberg made a motion that the Board authorize the Chief Procurement Officer to advertise the Danny's Diversion Property for lease bids. Director Stover seconded the motion, which passed (4-0). Director Brown had returned and Director Borrego had left prior to this item.

**c. Resolution 2017-17, Consideration for Approval to Authorize the Acquisition of Real Property for the Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. Responding to a question from Chair Thomson on why a Resolution is needed versus Board action, Mr. Willis stated that Resolution 1997-8 states the requirements. He further stated that this is just one step of the process and the Board will be updated in future meetings on each step taken.

Director Brown made a motion that the Board adopt Resolution 2017-17, Authorize the Acquisition of Real Property for the Upper Piedras Marcadas Watershed Drainage and Water Quality Management Plan, substantially as attached, subject to final legal review. Director Stover seconded the motion, which passed unanimously (4-0) on a roll-call vote. Director Borrego had left prior to this item.

**d. AMAFCA Recreational License – Albuquerque Bike Trail License Discussion**

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo. Responding to a comment from Director Eichenberg regarding being proactive versus reactive, Mr. Willis confirmed AMAFCA is aware of the issue and has a proactive stance. Mr. Lovato stated that in the agreement CoA is required to maintain the trail; however, when it rains the sediment that collects at the bottom of the trail is not being taken care of; this is a safety concern. Responding to a question from Director Eichenberg on the need to change the license annually, Mr. Lovato stated the license will be updated annually as new trails are added. The Board agreed to proceed and propose changes to the Board at a future meeting(s).

**20. AMAFCA Facilities – Waters of the US Discussion**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the Trump Administration is looking at regulations, including those enacted by the EPA. With that being said, EPA is contemplating reverting back to 2005 regulations. Under 2005 criteria, flows in a tributary that would change the characteristics of the Rio Grande would be considered Waters of the US. Between 2010 – 2012, AMAFCA entered into a programmatic permit with COE/EPA, good for five years, which addressed all tributaries to the Rio Grande within AMAFCA's jurisdiction concerning Section 404 of the Clean Water Act. The current permitting situation is working for AMAFCA; however, the question would be does the Board want to revert to the 2005 ruling

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(permit conditions). Responding to a question from Director Eichenberg regarding complying with the Executive Order outside the State of Florida, Mr. Lovato stated it would be the entire United States. There was a brief discussion regarding what the new definitions would be, the current commit period ends on 8/28/17, AMAFCA did respond during the prior comment period, some aspects of the old rule were not wanted, there is a big impact to the farmers of the Midwest, 2005 interpretation had a significant nexus, can AMAFCA go back to the 2004 rule, etc. The Board agreed that if the comment period gets extended AMAFCA staff should bring the topic back to the Board.

### **21. AMAFCA CY 2018 – Project Schedule – Review of Region 4**

Mr. Bradley L. Bingham, Drainage Engineer, summarized information provided in the memo and covered the recommended projects that are part of Region 4. Responding to a question from Chair Thomson regarding the Barelbas Pump Station, Mr. Bingham stated that AMAFCA has a signed agreement with CoA. Responding to questions from Director Brown on the Alameda Drain, Mr. Bingham stated that there was a Hydraulic Study done, AMAFCA and CoA will drain into the facility, and the MRCGD will maintain.

Chair Thomson asked that items **23. Unfinished Business** and **24. New Business** be moved up and item 22. Executive Session (closed session) be moved to the end of the meeting.

### **23. Unfinished Business**

Mr. Jerry Lovato, AMAFCA Executive Engineer, provided a handout to the Board on a proposed schedule to complete the Montano Levee Project. He stressed that the schedule has dates that cannot be missed. Part of his presentation included Phase 1 at an estimated cost of \$962K; the MRGCD Board needs to sign the agreement; a Biological opinion is needed; the USACE 404 permit has to be completed and approved; there are some legal issues that need to be worked out should an On-Call be used for construction management; AMAFCA will still need to hire someone for the project; this would be a topic on the next Board meeting; would need to meet with the Personnel and Salary Committee, etc. Responding to a question from Director Eichenberg regarding if AMAFCA is eliminated from Liability, Attorney Audio stated that a MOU is being written for that purpose. Responding to a question from Director Eichenberg on man-hours, Mr. Lovato stated that AMAFCA will need to get reimbursed, plus 12 ½ percent (direct costs). Responding to a question from Director Stover on extending the timeline, Mr. Lovato stated the program ends 2019. Suggestion from the Board is that AMAFCA not only hire a Project Manager, but an Engineer as well. This statement was further quantified that the two new hires mentioned would be on contract. Mr. Lovato stated that he had numerous talks with staff and they are up for the challenge. There was a brief discussion regarding a new hire to take the lead rather than an established AMAFCA staff member to take on the project. The project is important to the State/City/AMAFCA, etc.

Mr. Roger Paul with BernCo had been in talks with EPA for the Urban Waters Program. FEMA understands that EPA is involved. Timelines were discussed. EPA / HUD will work at the Washington District level to coordinate.

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**24. New Business**

None.

Item **22. Executive Session (closed)** was be moved earlier in the meeting.

**22. Executive Session (closed)**

**a. NMSA 1978 Open Meetings Act, §10-15-1(H)(6)**

**i. Executive Engineer's Evaluation**

Chair Thomson advised that Item 22 was a Closed Session agenda item. Director Brown made a motion that the meeting be closed, pursuant to the Open Meetings Act, §10-15-1 NMSA 1978, Subsection H, to preserve the confidentiality of the information to be discussed, and as further described in *“The Open Meeting Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eighth edition, 2015, to discuss the Executive Engineer’s Evaluation. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Borrego had left earlier in the meeting.

Chair Thomson closed the meeting at 1:21 p.m. Chair Thomson asked for a motion to re-open the meeting at 1:28 p.m. Director Brown made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Brown stated Personnel matters were discussed and no action was taken during the Closed Session.

**25. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:29 p.m.

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Ronald D. Brown, Secretary-Treasurer, 9/28/17