



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 1

1. Call to Order and Roll Call

Chairman Eichenberg called the Special Board Meeting to order at 8:30 a.m. Tuesday, May 14, 2013. Roll was noted as follows:

Directors present: Chairman Tim Eichenberg
Director Daniel F. Lyon
Director Bruce M. Thomson
Director Ronald D. Brown

Directors excused: Director Danny Hernandez

Others present: Jerry M. Lovato, P.E., Executive Engineer
Marcus J. Rael, Jr., Attorney
Irene Jeffries, Finance and Administration Manager
Pamela Woodruff, Executive Administrative Assistant
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Thomson made a motion to approve the agenda. Director Brown seconded the motion. The motion passed (4-0).

3. Items from the Floor/Public Comments

None.

**4. Selection Advisory Committee (Committee of the Whole) – Audit Services
FY-2013**

Chairman Eichenberg stated that Director Thomson would Chair the Committee of the Whole serving as the Selection Advisory Committee (SAC) for FY-2013 Audit Services.

Chairman Eichenberg recessed the Board meeting at 8:32 a.m. so that the Committee of the Whole SAC could evaluate and rank the proposals for Audit Services. The meeting remained open to the public, but was not on record during the recess.

The meeting resumed at 8:57 a.m. Chairman Eichenberg stated that no Board actions had been taken during the recess, but the SAC had met and chosen a firm to recommend to the Board.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 2

5. Acceptance of Recommendation of Selection Advisory Committee – Audit Services FY-2013

Director Thomson, as Chair of the SAC, stated that the SAC met, evaluated and discussed the proposals, and recommended selection of Atkinson & Co. Ltd. for AMAFCA's FY-2013 Audit Services contract.

Director Thomson made a motion that the Board accept the selection of Atkinson & Co. Ltd. for AMAFCA's FY-2013 Audit Services contract, subject to approval by the State Auditor's Office. Director Lyon seconded the motion, which passed (4-0).

Chairman Eichenberg noted that Marty Mathisen, of Atkinson & Co. Ltd., was in the audience. Mr. Mathisen stated that he was a 30-year partner of Atkinson & Co. He noted that Atkinson & Co. performed many government audits, including the one for Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) last year. He stated that they looked forward to working with AMAFCA on the audit.

6. Unfinished Business

a. Draft FY-2104 Construction Fund Budget

Chairman Eichenberg noted that this item had been deferred from the April 25, 2013 Regular Board Meeting in order to allow more time for review and discussion.

Mr. Lovato stated that the draft Construction Fund Budget focuses on completing AMAFCA backbone infrastructure throughout the City and continues AMAFCA's efforts in addressing storm water quality. He stated that the budget schedule was optimistic, and that many projects would be pushed back a little. He requested input and guidance on the draft budget, noting that he had provided it in electronic format to the Board, as well as a paper printout, and that the budget resolution would be passed at the next Board meeting.

Directors Thomson, Brown, and Lyon stated they had no changes to the Construction Fund Budget. Chairman Eichenberg stated he had no changes, although he wished that the Hahn Arroyo Rehabilitation Project could have more funding.

Mr. Lovato stated that AMAFCA had good news regarding the Hahn Arroyo Rehabilitation Project Phases II and III. He stated that the City of Albuquerque taking action to vacate public easements along the Hahn Arroyo, which is the initial step to providing a warranty deed to AMAFCA for the project. Once that happens, which was expected in the next thirty days or so,



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 3

AMAFCA will receive a warranty deed for Phase I of the Hahn Arroyo Rehabilitation Project. Once that has occurred, AMAFCA will begin the process for Phases II and III of the project.

Consensus of the Board was support of the Construction Fund Budget as presented.

b. Board Group Insurance

Mr. Lovato outlined the procedure that the Directors needed to follow in order for Board members to be eligible for group insurance, so that they could enroll during the current Open Enrollment Period, which ends May 23, 2013. Coverage would begin July 1, 2013. Currently, Directors would pay their own health insurance premiums. The Board could, through a resolution, require AMAFCA to pay the health insurance premiums.

Mr. Lovato stated that AMAFCA's Attorney has determined that health insurance is not a form of "compensation for duties."

He stated that each Director would need to fill out a P1 form. This would allow those currently in the City payroll system to be converted from the "seasonal temporary" category to the "elected officials" category, and add additional "elected officials" to set aside a total of five "AMAFCA elected officials" slots in the City software system. Then, to be covered under the group health insurance plan, those who wished coverage would need to sign a second P1. This would allow their per diem to be spread over two pay periods, ensuring that they would be paid each pay period. Directors were in no way obligated to choose to be covered by the health insurance plan, but the decision needed to be made before the end of the Open Enrollment Period, May 23, 2013.

Mr. Lovato stated that the City has offered to give an individual seminar to the Directors regarding the benefits they are eligible for through this program. This can be scheduled any time before the next Board meeting. The first P1 opens a slot in the City software, but no other action occurs unless another P1 is submitted.

Ms. Jeffries noted that Chairman Eichenberg, and Directors Hernandez, Thomson, and Lyon were already in the City system. Only Director Brown needed to be added. The changes on the first four P1s were to simply change their titles to "Elected Official," but Director Brown's P1 would establish the fifth slot in the software.

Director Brown stated that he had reservations about giving out his social security number unless it was absolutely necessary, due to the risk of identity theft. Chairman Eichenberg suggested that perhaps a dummy account could be set up to reserve the fifth "AMAFCA elected official" slot in the software.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 4

In response to a question from Director Lyon, Mr. Lovato stated that each Director would receive a \$25,000 life insurance benefit by enrolling in the payroll system, at no cost to the Director. In order to select vision or dental insurance, the Director would first have to sign up for health insurance, then add vision and/or dental coverage. AMAFCA's use of the "Elected Officials" category follows the rules set by the City Council.

Director Brown stated that, since life insurance would be provided, he would consent to setting up an "elected official" slot in his name.

Chairman Eichenberg noted that, although he did not claim it, Directors are entitled to request per diem for official committees that they sit on, such as the Transportation Board and the Water Resources Board.

Chairman Eichenberg called a brief recess at 9:14 a.m. while documents were being signed by all the Directors present.

Due to a prior commitment, Director Brown left the meeting during the recess.

The meeting resumed at 9:16 a.m., after all documents had been signed.

c. Reimbursements and Per Diem

Mr. Lovato stated that two methods of receiving per diem for AMAFCA meetings were possible, classified as "Accountable" and "Non-Accountable" by the Internal Revenue Service (IRS). The voucher system currently used, which does not require reimbursement of an amount in excess of actual expenses, is considered a "Non-Accountable" method. If a "Statement of Expenses" is filed with AMAFCA instead, this is considered an "Accountable" method. The "Statement of Expenses" includes per diem and actual mileage when over 35 miles.

In response to a question from Chairman Eichenberg, Mr. Lovato noted that Directors could use either method of requesting per diem. Those who wished to be covered under AMAFCA's group health insurance should continue to use the "Voucher" method, so that they are paid every two weeks and the insurance premium is covered. The others could use whichever method they preferred. Under the "Voucher" method, the City would pay the Director as is done currently. Under the "Statement of Expenses" method, AMAFCA would issue a check and mail it to the Director. The "Statement of Expenses" method is available for any meeting after May 14, 2013.

Responding to a question from Director Lyon, Mr. Lovato stated that if the "Statement of Expenses" method is used, there would be no social security or tax withholdings, and no IRS W-2s or 1099s would be issued, as it is considered a reimbursement of expenses.



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 5

No Board action was required.

d. Boca Negra Dam – KB Homes Agreement

Mr. Lovato stated that a settlement agreement had been reached with KB Homes, who had already signed the agreement. The City of Albuquerque was expected to sign the agreement the morning of May 14, 2013. He noted that Attorney Rael had worked diligently with a number of attorneys for KB Homes and the City of Albuquerque to develop the settlement agreement. Mr. Lovato asked that the Board authorize the Executive Engineer to sign the settlement agreement on behalf of AMAFCA.

Mr. Lovato noted that there was a typographical error on page two, which Mr. Rael stated he would correct.

Mr. Rael noted that the agreement states that the City of Albuquerque will bear any cost overruns on a 50-50 cost share basis with AMAFCA.

Director Lyon made a motion that the Board authorize the Executive Engineer to sign the Settlement Agreement on behalf of AMAFCA. Director Thomson seconded the motion, which passed (2-1).

Chairman Eichenberg stated that he had voted against the motion, but only for procedural reasons. He supported the settlement and had complete faith in the Executive Engineer's actions, but stated his belief that such a document should be signed by the Chairman rather than the Executive Engineer.

e. Boca Negra Dam Request for Additional Bid Item

Mr. Lovato reported that, as rock had been discovered at the Boca Negra Dam site in areas which had been thought to be dirt, the project will need to import more dirt in order to build the dam embankment. This will require a change order to the contract which is in excess of the Executive Engineer's \$20,000 change order contracting authority for new items, unless specifically authorized by the Board. He requested authorization to issue the change order.

Responding to a question from Director Thomson, Mr. Lovato stated that the additional cost of the change order would be split with the City of Albuquerque, as per the terms of the settlement agreement.

In response to a question from Chairman Eichenberg regarding the City's plans for secondary uses for the site, Mr. Lovato stated that the current plans include bike trail connections, and a



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 6

small parking lot for the trailhead connection. The City had been hoping for a small soccer field on the northern portion of the dam site, but due to the rock base in this area, that will not be possible. Currently the City is considering additional alternatives that would work with the topography. Open Space is very interested in the property and the recreational possibilities there.

Director Thomson stated that perhaps the uneven rocky area could be turned into a skate park.

Mr. Lovato stated that AMAFCA would continue to look into the recreation opportunities that might be available for the property.

Director Thomson made a motion that the Board authorize the Executive Engineer to approve a change order to create a new Bid Item for the excavation, transport, moisture conditioning and compaction of borrow material from the Swinburne Dam to meet the specifications for dam embankment, cost to be split 50-50 with the City of Albuquerque. Director Lyon seconded the motion.

In response to a question from Director Lyon, Mr. Lovato stated that when rock dams are built, the rock fill is used to armor a clay core dam against erosion and provide additional weight to the dam. The clay actually holds the water, which passes through rock voids quite readily. Dirt dams are infiltrated very slowly by water, which is why dams are commonly built of compacted dirt in this area.

The motion passed (3-0).

7. New Business

Mr. Lovato stated that AMAFCA had just learned of a press conference event scheduled that afternoon for 1:00 p.m. at the National Hispanic Culture Center. The U.S. Environmental Protection Agency (EPA) and the Fish and Wildlife Service (FWS) announced the event would recognize the 2013 Urban Waters Federal Partnership. The partnership will include a conservation initiative, a restoration project, and EPA's pilot program for storm water permit in the Middle Rio Grande Region. These projects are located in the Albuquerque metropolitan area and the Valle de Oro National Wildlife Refuge.

Director Thomson noted that it was interesting that the invitation had come from the EPA, as they have no role in parks and monuments.

Mr. Lovato stated that AMAFCA had received the invitation because it is trying to relate the watershed-based permit to the other projects. EPA Region 6 is aware of AMAFCA's role in the Valle de Oro National Wildlife Refuge, and that AMAFCA's participation provides for a water



**Albuquerque Metropolitan
Arroyo Flood Control Authority
Special Meeting Minutes
May 14, 2013**

Page 7

quality feature at the site. He stated that several AMAFCA staff would attend the event, and asked if any Directors would be able to attend.

Chairman Eichenberg and Director Lyon were unavailable to attend the event. Director Thomson stated that he would attend a portion of the event if the EPA Regional Administrator was scheduled to be there. Mr. Lovato stated that he would attempt to find this out.

Director Thomson also stated that he would attend the watershed-based permit public meeting scheduled for that evening. Chairman Eichenberg stated that he would also attend the watershed-based permit meeting that evening.

8. Adjourn

There being no further business to come before the Board, Chairman Eichenberg adjourned the meeting at 9:34 a.m.

Bruce M. Thomson, Secretary-Treasurer, 5/23/13

Recorded by Pamela Woodruff, Executive Administrative Assistant