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1. Call to Order and Roll Call

Chair Brown called the Regular Board Meeting to order at 10:00 a.m. Thursday, December 18, 2014. Roll was noted as follows:

Directors present: Chair Ronald D. Brown
 Director Danny Hernandez
 Director Daniel F. Lyon
 Director Bruce M. Thomson
 Director Tim Eichenberg (arrived at 10:17 a.m.)

Directors excused: None

Attorney present: Attorney Vanessa Chavez, Robles, Rael & Anaya

Others present: Jerry M. Lovato, P.E., Executive Engineer
 Staff
 Other attendees on file at AMAFCA

A quorum was present.

Chair Brown stated that the meeting will be a short one and that those in attendance were welcome to stay for the Director's lunch once meeting adjourned.

2. Approval of Agenda

Director Thomson made a motion to approve the agenda. Director Lyon seconded the motion, which passed unanimously (3-0). Director Hernandez stepped out of the meeting prior to this item and Director Eichenberg had not arrived.

3. Meetings Scheduled

- a. **January 2, 2015, 11:00 a.m. – Special Meeting**
- b. **January 22, 2015, 10:00 a.m. – Regular Meeting**
- c. **February 26, 2015, 10:00 a.m. – Regular Meeting**
- d. **March 26, 2015, 10:00 a.m. – Regular Meeting**

4. Items from the Floor/Public Comment

Mr. John Barncastle did not introduce himself; however, he was recognized from previous meetings he had attended. Mr. Barncastle addressed the Board regarding the Bear Canyon Arroyo



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and the multi-use trail. He stated that he realized that this is a City of Albuquerque (CoA) maintained arroyo between Moon and Eubank. He acknowledged that Mr. James Lewis with CoA replaced and reinforced the trail. Mr. Barncastle opined that while it was reinforced, it will be a temporary fix and would be back to the same condition in a year. He requested that this area be concreted so that the earthmovers that will be used to maintain the dirt arroyo will not tear up the bike trail during their annual maintenance. He requested that AMAFCA get involved to provide their expertise to CoA to help get this issue taken care of.

Chair Brown asked Mr. Lovato to contact CoA to see if a joint venture with both the CoA and AMAFCA can be done to stabilize the Bear Canyon Arroyo between Moon and Eubank. Director Thomson stated that he would support collaboration with the CoA and would like to see what options are available. He further stated that this is the first time that he is aware that anyone had requested to pave an arroyo. Mr. Lovato responded that he would contact CoA regarding a joint venture.

5. Approval of Minutes

a. November 20, 2014 Regular Meeting

Director Lyon made a motion to approve the minutes of the October 23, 2014 Regular Board Meeting. Director Thomson seconded the motion, which passed (4-0).

6. Financial Matters

a. Approval of November 2014 Expenditures

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, presented the November 2014 Expenditures.

Director Thomson stated he had noticed that Director Lyon had been reimbursed for a couple of items within the past month. He affirmed that the auditors had called out the reimbursement concern in the 2014 Audit and issued a finding. He asked Director Lyon if he submitted expenses or an affidavit. Director Lyon responded that he was not aware if it was a reimbursement or an affidavit and submitted the form that AMAFCA furnishes to him. He referred to Mr. Lovato, AMAFCA Executive Engineer, to answer the question. Mr. Lovato responded that Director Lyon submitted an affidavit, which is a Reimbursement of Expenses and not a voucher for per diem.

Director Thomson made a motion to approve the November 2014 Expenditure Report. Director Hernandez seconded the motion, which passed (4-0).



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b. Bank Reconciliation Fiscal Agent Funds

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, presented the Bank Reconciliation Fiscal Agent Funds. There were no questions, and no Board action was required.

c. Investment Report for November 2014

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, presented the Investment Report for November 2014. There were no questions, and no Board action was required.

d. Financial Position Recap November 16, 2014 through December 15, 2014 & Forecast December 16, 2014 through January 15, 2015

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, presented the November 2014 Expenditures. Ms. Jeffries advised that the Financial Position for General Operating Fund recommended action included the transfers to the Contingency Fund and Building Fund. The applicable funds will be transferred into the LGIP account.

The Forecast for December 16 through January 15 under the Operating Fund recommended action \$350K included a payment to CoA for three pay periods. The Construction Capital funds included pay estimates to New Mexico Underground Contractors, RMCI, and Mountain State Constructors.

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

e. AMAFCA FY-2014 Audit

a. Acceptance of Audit

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, stated the Audit was presented to the Board at the November meeting. At that time it had not been released by the State Auditor. AMAFCA had received the letter from the State Auditor approving the Audit and sufficient time had passed to make the FY-2014 Audit a public document. Staff recommended the Board accept the FY-2014 Audit Report.

Director Hernandez made a motion to accept the FY-2014 Audit report. Director Thomson seconded the motion, which passed (5-0).



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b. Per Diem Policy – Local Non-Salaried Public Officials

Chair Brown advised the policy is in respect to payment of per diem to AMAFCA Board of Directors, as a result of the finding disclosed in the Audit. Mr. Jerry Lovato, AMAFCA Executive Engineer, stated the policy reaffirms Resolution 1998-16 which concerns authorized and allowed reimbursement by public officials, officers, and public employees. Per diem paid to Directors is paid through CoA Payroll Department with the proper taxes deducted after a voucher is filled out. However, the recent audit showed payments to one Director were made without the proper receipts attached for reimbursement of expenses. Chair Brown stated that the Board is reaffirming the Resolution that was passed in 1998. Mr. Lovato stated that the policy also reaffirm that per diem payments are paid through CoA. Chair Brown reiterated all reimbursements will have receipts. All per diem payments will be done through CoA.

Director Hernandez made a motion to approve the Per Diem Policy for Local Non-Salaried Public Officials. Director Thomson seconded the motion, which passed (4-1), on a roll call vote. Director Lyon voted no.

f. Post-Issuance Compliance – Arbitrage Report

Ms. Irene Jeffries, AMAFCA Finance and Administration Manager, introduced Mr. Stephen Broden with Arbitrage Compliance Specialists (ACS). Mr. Broden recapped for the Board the Arbitrage process and summarized the procedures for post issuance compliance, per guidelines set up within the Internal Revenue Service (IRS) and Securities and Exchange Commission (SEC). ACS personnel review the records to identify and rectify any issues by going through the Arbitrage process. Upon reviewing AMAFCA's records, all were found to be efficient and well maintained. There were no major issues to note. Records from 2003 to present were reviewed.

There could have been two issues that would have resulted in payments made to the IRS upon an audit from the IRS:

- For 2006 there could have been over \$65,000.00 due to the IRS. However, due to going through the Arbitrage process AMAFCA was able to meet an exception to the rules, as defined by the IRS and their code and regulations.
- For 2007, there could have been total of \$17,000.00 due to the IRS. However, due to going through the Arbitrage process AMAFCA was able to meet an exception to the rules, as defined by the IRS and their code and regulations.

Director Thomson asked if there was a statute of limitations. Mr. Broden, responded, yes, and used the 2007 issue above that would fall within the statute of limitations. Mr. Broden further



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stated that since AMAFCA had been reviewed and passed the arbitrage process, ACS will defend AMAFCA should an IRS audit happen. Should the IRS audit, they will find that AMAFCA is in compliance. All of the rules show that AMAFCA is compliant. ACS attorneys and Certified Public Accountants have looked at the reports and have signed off on them.

Mr. Broden suggested that AMAFCA have their Financial Advisor look into other areas for the Debt Service funds. He stated that it is not often that he sees an entity spend funds as quickly as AMAFCA. Chair Brown asked about the timeline for expending money. Mr. Broden advised that three years is the time. Chair Brown stated that AMAFCA's procedure is to make sure that there is a collective amount of projects ready to go when bonds are sold. Mr. Lovato advised that AMAFCA holds on average, 13% or less of Debt Services. Anything over the 13% is given back. Chair Brown stated that AMAFCA accelerates payments on the first payments on the bond to which Mr. Lovato concurred. Responding to a question from Director Thomson on whether there was a typo in the report that showed on almost every page that "Not payment is due to IRS." Mr. Broden responded that the report should say "No payment is due to IRS." Director Thomson asked if AMAFCA had done this type of audit before. Mr. Lovato responded, no, it was done at the recommendation of the Financial Advisor last fiscal year. A Request for Proposal was put together and ACS was the company chosen. Director Hernandez inquired on how often this will be done. Mr. Broden responded that AMAFCA will be reviewed every year. He referred to the tickler report that was part of the mailout package. The dates necessary for reporting are identified. Some items will be infrequent.

The presentation was well received.

7. Legal

a. Status Report

Attorney Vanessa Chavez stated that the memo on 7a pertained to various legal matters. There were no questions from the Board.

8. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Lovato highlighted significant activities of the past month:

- **Corps of Engineers - Southwest Valley Flood Reduction Project Phase II:**
SWVFRP Phase IIa: AMAFCA is responsible for the design and construction of the inlet and outlet pipes to Pond 187. The design and construction management SAC recommendation is



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the subject of a later Board Item. The project is fully funded in the FY-2014 construction budget.

SWVFRP Phase Iib: Bernalillo County completed the removal and replacement of six roadway crossing along the Los Padillas Drain and the Isleta Drain. The work was completed on budget and on time. There was concern having the Corp project done in public right-of-way and it was handled adequately. There were no real complaints. Mr. Lovato stated that BernCo and their contractor, New Mexico Underground, did an outstanding job.

SWVFRP Phase Iic: The excavation of Pond 187, over 100,000 cubic yards of material, was completed without any serious issues. The contractor has completed work on the APS easement and will start work on the installation of plants. Mr. Lovato advised that the Corps did a very good job on this project. This project should be done by the end of January.

- **AMAFCA**

Award of Meritorious Service Medal to Herman Gabaldon: Mr. Gabaldon, AMAFCA Maintenance Superintendent, was awarded the Meritorious Service Medal by the Department of the Air Force – 150th Security Forces Squadron for 29 years of service.

Twinkle Light Parade: AMAFCA participated in the 2014 Twinkle Light Parade on December 6th. AMAFCA took first place for the second time in a row in the government category. Mr. Lovato thanked the staff members who donated lights for the float.

New Employee: Mr. Lovato introduced Mr. Patrick Chavez, AMAFCA's new Storm Water Quality Engineer. Mr. Chavez addressed the Board, summarizing his background from the last ten years and his experience. He stated he was glad to be at AMAFCA, and he was a former student for Director Thomson. The Board welcomed him, stating they were glad to have him at AMAFCA.

b. Notification of On-Call Services Task Orders

Mr. Lovato referred to his memo for the task orders that had been issued the prior month and gave further information to the Board. There were no questions.

Consent Agenda:

Chair Brown stated that the agenda items 9 through 15 were on the Consent Agenda and no items were moved to the Regular Agenda.



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9. ESRI International User's Conference, July 20-24, 2015 – Request for Travel Authorization

The memo from Mr. Jerry Lovato, AMAFCA Executive Engineer, stated the Environmental Systems Research Institute, Inc. (ESRI) is the publisher of the ArcGIS software suite, used by AMAFCA's GIS program. The 2015 ESRI International User Conference (ESRI UC) will be held in San Diego, California, July 20-24, 2015. The estimated attendance from the 2014 ESRI UC was 15,000 people from over 100 countries. This is the largest gathering of GIS professionals in the world.

Mr. Lovato requested to send Mr. Kevin Troutman, AMAFCA GIS Manager, to the conference. AMAFCA currently maintains an ArcSDE geodatabase using Microsoft SQL Server on-site and ArcGIS Server web mapping services, using an Adobe Flex based map viewer on a cloud computing environment. ESRI will be releasing the next version (10.3) of the ArcGIS software with some extensions moving to a fully 64-bit architecture. There are many great educational sessions, including software specific technical workshops and user presentations. All will be beneficial to both AMAFCA and Mr. Troutman in support of AMAFCA's GIS activities.

Estimated cost for attendance will be:

Registration	\$ 0.00 (Included with ESRI License, approximately \$1,400.00)
Hotel (6 nights)	\$1,700.00 (plus tax)
Airfare	\$ 500.00
Transportation	\$ 30.00
Meals	<u>\$ 270.00</u> (45.00/day x 6 days)
Total	\$2,500.00

Staff recommended the Board authorize out of state travel and expenses for Mr. Kevin Troutman, GIS Manager, to attend the 2015 ESRI International User Conference in San Diego, California, July 20-24, 2015, not to exceed \$2,500.00.

10. General Counsel – Consideration of Third Extension of Professional Services Agreement with Robles, Rael, and Anaya

The memo from Mr. Jerry Lovato, AMAFCA Executive Engineer, stated the original contract for General Legal Counsel Services Agreement with Robles, Rael & Anaya, P.C. to provide General Counsel Services specifies that upon mutual consent the agreement may be renewed annually for three years.

Robles, Rael, and Anaya had communicated that they would be agreeable to renewal of the contract for an additional year subject to the same fees. The required AMAFCA Campaign



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Contribution Disclosure Form had been completed and was provided to the Board in their mailout package.

Staff is satisfied with the quality of service provided by Mr. Rael and Ms. Vanessa Chavez during the past year. Mr. Lovato recommended the agreement with Robles, Rael & Anaya, P.C. be extended for another year. If approved by the Board, it will be the third and final extension to the original agreement dated February 24, 2012.

Staff had recommended the Board approve the third extension with Robles, Rael & Anaya, P.C. to provide general counsel services for an additional year at the same rate.

11. Pond 187 Outfall RFP – Selection Advisory Committee Recommendation

The memo from Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, stated that four proposals were received by the December 9, 2014 deadline from the following firms: Bohannon Huston, Inc. (BHI), Larkin Group NM, Wilson & Co. Inc. and Smith Engineering. BHI's proposal was deemed non-responsive. The BHI proposal included an outdated AMAFCA-Specific Campaign Contribution Disclosure form that was not part of the official scope of work. The proposal was returned to BHI.

The five member Selection Advisory Committee (SAC) consisted of Mr. Jerry Lovato, and Mr. Brad Bingham with AMAFCA, Mr. Brad Catanach and Mr. Roger Paul with Bernalillo County (BernCo), and Mr. Marty Eckert with Albuquerque Public Schools (APS).

The memo pertaining to the SAC Recommendation stated that the SAC convened on December 16, 2014 to score and rank the proposals. The firms were numerically ranked with a potential of 525, total points, which includes the adjustment for Resident Business preference. The results of the SAC rankings are as follows:

Rank	Firm	Raw Score	Adjusted Score*
1	Larkin Group NM	437	462
2	Wilson & Co.	419	444
3	Smith Engineering	417	442

*NM Resident Business Preference

Each consultant was notified at the conclusion of the meeting of the SAC recommendation.

Staff recommended the Board accept the recommendation of the SAC and authorize the Executive Engineer to commence negotiations with Larkin Group NM.



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12. Construction Report

The memo from Mr. Kurt Wagener, AMAFCA Field Engineer, contained a summary of current construction projects. There were no questions.

13. Agency and Area-Wide Flood Control Maintenance 2015 – Consideration of the Design and Construction Management Engineering Services Agreement

The memo from Mr. Kurt Wagener, AMAFCA Field Engineer, stated that at the November meeting, the Board approved the selection of Smith Engineering Company (SEC) to provide design and construction management engineering services, including geotechnical testing for the 2015 Agency and Area-Wide Flood Control Maintenance project (2015 Agency and Area-Wide).

The budget for the 2015 Agency and Area-Wide project is approximately \$1,300,000.00. AMAFCA, City of Albuquerque (CoA), and the New Mexico Department of Transportation (NMDOT) have budgeted funds for design, construction, and construction management for each agency's bid lot. CoA budgeted \$349,000.00, NMDOT budgeted \$165,000.00, and AMAFCA budgeted \$800,000.00.

Included in the Board's mailout package was a copy of the agreement, along with Exhibits A-1 and A-2, detailing the hourly rates for engineering and geotechnical services. The rates will be kept constant throughout the eleven month duration of the contract. The rates would be used in the event of an emergency Task Order.

SEC, CoA, NMDOT, and AMAFCA have completed their respective legal review of the agreement and proposed fees.

Staff recommended the Board approve the Agreement with Smith Engineering Company to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Maintenance Project 2015, on a time and materials basis, with cost not to exceed \$172,197.00, not including New Mexico Gross Receipts Tax.

14. GIS IT DBA Services – Consideration of Third Extension of Professional Services Agreement

The memo from Mr. Kevin Troutman, AMAFCA GIS Manager, stated the on-call agreement for GIS IT DBA Services with AMEC Environment and Infrastructure was signed in February of 2012. This is a standard one-year contract, with the option to renew at the pleasure of the Board and the concurrence of the on-call contractor.



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AMAFCA staff is satisfied with the services of the on-call contractor. The contractor has been contacted and indicated he would like to extend the contract for an additional year. A copy of the signed AMAFCA Campaign Contribution Disclosure Form was provided to the Board in their mailout package. This is the third and final extension of the on-call agreement.

Staff recommended the Board authorize the Executive Engineer to extend the on-call contract with AMEC Environment and Infrastructure for a one-year term as per the provisions of the contract.

15. Real Estate – Notice of Issuance of Two Film Production Location Licenses

The memo from Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, stated the Executive Engineer recently issued two Temporary Encroachment License Agreements (Location) for the filming of scenes for two movies, currently titled “The Scorch Trials” and “The Condemned 2.”

The location for The Scorch Trials was at the North Diversion Channel adjacent to the University of New Mexico. The scene involved young adults running through the channel while being pursued by doctors who want to experiment on them.

The location for The Condemned 2 was at the South Diversion Channel under 2nd Street. The scene involved “bad soldiers” attacking “good soldiers” in a shanty town set in the South Diversion Channel.

The filming and wrap up took place over a three day period, for both films, and a fee of \$2,240.00 was collected from both film companies, based on the fee schedule for goods and services in Resolution 2006-8, Reimbursement for AMAFCA Goods and Services Exhibit “A,” which was approved by the Board at the June 2014 Board Meeting.

In accordance with Resolution 2007-13, Film Production Location Licenses, the Executive Engineer is authorized to issue these licenses provided that the Board of Directors is informed of the issuance at the next regular meeting.

No Board action was required.

Director Hernandez made a motion that the Board approve the remaining items on the Consent agenda:

- Authorize out of state travel and expenses for Mr. Kevin Troutman, AMAFCA GIS Manager, to attend the 2015 ESRI International User Conference in San Diego, CA, July 20-24, 2015, not to exceed \$2,500.00;
- Approve the third extension with Robles, Rael & Anaya, P.C., to provide general legal counsel services for a third and final year at the same rates;



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- Accept the recommendation of the SAC and authorize the Executive Engineer to commence negotiations with Larkin Group NM;
- No Board action required for the Construction Report;
- Approve the Agreement with Smith Engineering Company to provide Professional Engineering Services for the Agency and Area-Wide Flood Control Maintenance Project 2015 on a time and materials basis with cost not to exceed \$172,197.00, not including New Mexico Gross Receipts Tax;
- Authorize the Executive Engineer to extend the on-call contract with AMEC Environment and Infrastructure for a one-year term as per the provisions of the contract; and
- No Board action required for the issuance of two Film Production Location Licenses.

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

16. Approval of Resolution 2014-16 – 2014 AMAFCA Bond Question Canvass

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the unofficial results taken from the Secretary of State's website was last updated on November 21, 2014.

A draft of Resolution 2014-16, 2014 Bond Question Canvass Resolution was reviewed by Bond Counsel and provided to the Board in their mailout package.

There was discussion regarding the fact that the Canvass will not be certified until 1:00 p.m. Chair Brown stated that he, along with Director Eichenberg and Director Thomson will be present at the January 2, 2015 Special meeting to approve both Resolution 2014-16 and 2014-17, prior to the swearing in of the new Directors. *Under Item 22, Unfinished Business, Director Eichenberg suggested that based on the anticipation and condition that the required certification of the canvass was received from the Bernalillo County Clerk; the Board should approve both Resolution 2014-16 and 2014-17.*

Director Hernandez made a motion to approve Resolution 2014-16, 2014 Bond Question Canvass, on condition of receipt of the required certification of the canvass from the Bernalillo County Clerk. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

17. Approval of Resolution 2014-17 – 2014 AMAFCA Board of Directors Election Canvass

The memo from Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the unofficial results taken from the Secretary of State's website was last updated on November 21, 2014. A draft of Resolution 2014-17, 2014 Board of Directors Election was reviewed by Legal Counsel and provided to the Board in their mailout package.



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Chair Brown stated this item, along with Item 16, will be taken care of at the January 2, 2015 Special meeting. *After discussion later in the meeting, the Board recommended that they adopt Resolution 2014-17, 2014 Board of Directors Election Canvass, based on the anticipation and condition that the required certification of the canvass was received from the Bernalillo County Clerk.*

Director Lyon made a motion to approve Resolution 2014-17, 2014 Board of Directors Election, on condition of receipt of the required certification of the canvass from the Bernalillo County Clerk. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

18. Alameda Drain Comprehensive Land Management and Multi-Use Corridor Master Plan – Consideration of Funding Agreement

Mr. Jerry Lovato, AMAFCA Executive Engineer, advised that at November meeting the AMAFCA Board of Directors were briefed concerning the draft cost share agreement with BernCo, CoA, the Middle Rio Grande Conservancy District (MRGCD), and AMAFCA to jointly participate in the Alameda Drain Comprehensive Land Management and Multi-Use Corridor Master Plan. The MRGCD's Alameda Drain is a major subsurface drainage and regional storm water conveyance facility in the North Valley that is used by the BernCo, CoA, and AMAFCA.

The purpose of the master plan is to have a full and comprehensive evaluation of the multi-use opportunities for the corridor and to establish respective footprints for additional regional drainage facilities, water quality structures, and Best Management Practices.

BernCo will be the lead agency in the procurement and management of the master plan estimated to cost \$200,000.00. MRGCD, CoA, and AMAFCA will each provide funding in the amount, not to exceed \$50,000.00. The Agreement has been reviewed by MRGCD, CoA, BernCo, and AMAFCA attorneys. Staff had recommended approval.

Mr. Lovato stated that there is a slight change in the agreement, Page 9 of 17, Section 6.3, stating that the Bureau of Reclamation (BOR) will be removed from the agreement. Director Lyon asked for clarification of the change. Mr. Lovato advised that MRGCD had a joint licensing procedure with their agreement with the BOR. Since this agreement is with MRGCD, the MRGCD Board did not feel there was need for an additional signatory with the BOR as it is covered in their joint licensing procedures.

Director Thomson made a motion that the Board approve to Provide Planning, Study and Design Services for Alameda Drain Comprehensive Land Management and Multi-Use Corridor Master Plan and authorize the Chair to execute the Agreement with Middle Rio Grande Conservancy District, Bernalillo County, and the City of Albuquerque. Director Hernandez seconded the motion, which passed (5-0).



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19. AMAFCA Projects

a. NPDES Permit – Consideration of the Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System (MS4) permit

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the U.S. Environmental Protection Agency (EPA) issued the new National Pollutant Discharge Elimination System (NPDES) permit for the middle Rio Grande watershed region on December 11, 2014. The permit consists of 84 pages. Most of the information had already been communicated to the Board. There are small changes due to complications with Fish and Wildlife and the local Indian Tribes. Most of the changes pertain to record keeping and how information will be shared.

Staff had recommended the Board accept the new Middle Rio Grande Watershed Based Municipal Separate Storm Sewer System (MS4) Permit in lieu of pursuing an individual permit.

Director Hernandez asked if AMAFCA has a choice. Mr. Lovato responded that AMAFCA does have choices. This is a general permit for the Middle Rio Grande; however, not signing on would mean AMAFCA will be required to do an Individual Permit. EPA would require that AMAFCA get a Biological Opinion and Biological Assessment through Fish and Wildlife, and other work will be needed. All work would be at AMAFCA's expense. Should AMAFCA consider an Individual Permit, it would have the same conditions of the Middle Rio Grande permit, plus other terms. By going the route of a general permit will enable cooperatives and not having AMAFCA do all the work itself. Collaborations will help with costs as well as call out specific duties for each entity. Director Thomson asked if AMAFCA had a sense of what entities are signing on. Mr. Lovato replied that AMAFCA could not speak for those entities; they all report to their applicable board and/or commission, but it was believed that all were moving towards a collaboration. He further stated that the Indian Pueblos are covered, but may go to an individual permit. He further stated that a Memorandum of Understanding (MOU) with 18 entities is no longer being considered as it will be too cumbersome. Smaller collaboratives will be utilized. There are budget concerns as well. Mr. Lovato advised that the Notice of Intent will be due in 90 days. Chair Brown asked what the timeline is. Mr. Lovato advised the new Storm Water Quality Engineer will be working on it and that AMAFCA is currently working on the annual report for the 2012 permit. AMAFCA would like to actively start with a NOI in January. Once the NOI is given there will be a six month and twelve month grace period to get the program in place. Director Hernandez asked what the cost would entail. Mr. Lovato replied that AMAFCA is looking at around \$50-90K if done on AMAFCA's dime. After further discussion Director Thomson asked that the major partners be contacted and asked if any will not be inclined to be on board with the general permit. Chair Brown concurred.



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b. West I-40 Channel – Phase VI Project Briefing

Between his presentation and memo, Mr. Jerry Lovato, AMAFCA Executive Engineer provided the following:

At the January 2014 Board meeting the AMAFCA Board of Directors were briefed concerning the last section of the West I-40 Diversion Channel that needed to be constructed to complete the I-40 Diversion Project. Mr. Michael Riordan, Director of Municipal Development Department, briefed the Board concerning the need to move forward with completing the project. Items also discussed included identifying current funding possibilities, general project design, and project management to design and construct the project this fiscal year.

The Board authorized staff to move forward with identifying possible funding and to outline a schedule to design and construct the project. Since January 2014, staff met with property owners south of I-40 that would benefit from flood plain removal if the I-40 Diversion Channel was completed. The Board entered into a funding agreement with I-40 South, LLC in the amount of \$230,000.00, to construct a plug in the existing temporary channel and to fund a portion of the permanent channel to be built by AMAFCA in the future.

AMAFCA continues to maintain the temporary diversion channel. Phase VI of the West I-40 Diversion Project would include the design and construction of a permanent diversion channel between 98th Street and La Presa Dam. The project would include concrete channel lining and rock grade control structures.

Design of the project will need to start soon to allow construction to begin after the 2015 monsoon season. The 2014 AMAFCA Project Schedule identifies the start of the project in FY-2015 with construction ending in FY-2016.

c. KAFB Drainage Update

Mr. Lovato, AMAFCA Executive Engineer, advised that he, along with Director Thomson had a meeting with Kirtland Air Force Base (KAFB). Flooding in and around the area of Gibson and Louisiana including the Credit Union was discussed. KAFB working with Albuquerque Public Schools (APS) required that land near the intersection, where an existing elementary school is located, needed to be appraised as part of an extension of a license between APS and KAFB. KAFB did discuss the possibility of AMAFCA purchasing property for a ponding area on the KAFB. However, it was made clear by AMAFCA, that AMAFCA will not be purchasing property to address a flooding problem caused by KAFB, but is willing to help KAFB fix their flooding issue on the base near the intersection of Louisiana and Gibson. KAFB is looking at putting in a temporary ditch to divert flows away from residential homes to a vacant lot. KAFB has not identified any current funding and will need to wait until at least fiscal year 2017. KAFB is talking



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with their attorneys to see if they can modify other projects on the base to move funds to this location. Director Thomson mentioned that about a year and a half ago AMAFCA offered to pay for the construction costs of the second pond. The response from KAFB was very unsatisfactory. At the meeting, it became apparent that there is a breakdown in nomenclature. AMAFCA stated they would contribute to the cost of constructing a new pond, however; KAFB considers a contribution as a gift and KAFB cannot accept gifts. It was suggested to do a public/public partnership. Since different language is being used, there might be a way to get this project done, prior to the next monsoon season. Mr. Lovato advised that KAFB is now acknowledging there is a problem, especially with the input of the Neighborhood Association with their video and photographic documentation of flooding. Chair Brown asked what amount of water needs to be detained and what is the flow rate. Mr. Lovato responded that there needs to be about 26 – 30 acre feet of storage to insure that no more than 52 cubic feet per second (cfs) flows into the existing Gibson Storm Drain maintained by the City of Albuquerque. Chair Brown asked about the discharge time. Mr. Lovato responded that it depends on what is designed, but it will be between 26 to 45 hours, which is within the 96 hour rule. Director Hernandez asked if the 96 hour rule will apply since KAFB is a federal entity. Chair Brown opined that if AMAFCA is funneling the water the 96 hour rule would still apply. Director Eichenberg asked legal counsel if AMAFCA should be notifying the neighborhoods about the potential flooding. Mr. Lovato advised that this is not mapped floodplain at this time and that an analysis would need to be done before that could happen. Director Eichenberg mentioned that the subdivisions were built after the base was opened and KAFB could take the position that flooding of the neighborhoods is not their problem. Director Eichenberg asked legal counsel to check into the issue. Director Hernandez asked legal counsel to check into the 96 hour rule as well. Chair Brown asked about the cost for a temporary fix. Mr. Lovato responded a temporary solution would be \$300-\$400K, which would be an earthen berm and pipe. Director Eichenberg suggested just getting together with pics and shovels and move the earth. Director Thomson advised that the Executive Engineer already suggested this at the meeting, in the context of an emergency response and that KAFB was intrigued. Mr. Wilson, KAFB Civil Engineer, proposed that a National Guard unit could come in and do the training and it would be considered an emergency response.

20. Legislative Liaison – Briefing before 2015 New Mexico Legislative Session

Chair Brown introduced Ms. Vanessa Alarid, of Alarid Consulting to brief the Board on the upcoming New Mexico Legislative Session. Ms. Alarid briefed the Board on the 2015 New Mexico Legislative Session, and responded to numerous questions during her presentation.

State Senate now consists of:
25 Democrats / 17 Republicans
President Pro Tempore – Mary Kay Papen
Majority Floor Leader - Michael Sanchez
Majority Whip - Michael Padilla



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Minority Floor Leader - Stuart Ingle
Minority Whip – William Payne

State House now consists of:
37 Republicans / 33 Democrats
Speaker – Don Tripp
Majority Floor Leader – Nate Gentry
Majority Whip – Alonzo Baldonado

Republicans took control of the State House of Representatives for the first time in 60 years. This will result in a new Speaker. Every committee will have a new Republican chair and vice chair. There will be many changes in office assignments, seating assignments on the floor, staff, and as well as a new House Clerk.

Minority Floor Leader – Brian Egolf
Minority Whip – Sheryl Williams Stapleton

The biggest concern in the 2015 session will be the drop in oil prices and the effect on the State General Fund. Current projections are for oil prices to average \$70.00 a barrel over the next fiscal year. The most recent cost was \$56.00 per barrel. If prices remain at \$56.00 it would lower actual receipts by an estimated \$250M below current projections. For every \$1.00 lost means \$7M lost for the state of New Mexico. The anticipated surplus will be eliminated and will impact the state budgeting with estimated revenues currently at \$6.12B.

There are 103 pre-filed bills so far. Some of the following bills are included: Immigrant drivers' licenses - a two tier approach, third grade retention legislation, Right To Work, and Right to Life legislation.

There is a new bill by Worth and Bandy that will create the Forrest and Watershed Restoration Board. It is asking the state treasurer to transfer \$1,250,000.00 each month into the forest and watershed restoration fund. The new State Engineer at the Office of State Engineer (OSE) is Mr. Tom Blaine. He was the former director of the Environmental Health Division in the New Mexico Environment Department (NMED).

The Office of the State Engineer has published a Capital Outlay Review of Select Water Projects - Executive Summary of a 70 page report. This report is on the Legislative Finance Committee (LFC) website. Previous LFC analysis and evaluations have found this state-local collaboration has yielded unique challenges, from a fragmented funding process to problematic project oversight and execution. New Mexico communities face an estimated \$1B to replace and upgrade aging water infrastructure over the next 20 years, in addition to \$240M estimated for dam rehabilitation.



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The state has appropriated \$525M over the past decade for water projects, including dam repairs. While providing adequate and safe drinking water for citizens is primarily the responsibility of local governments, the state supports communities through the efforts of multiple state agencies. In 2014, the Legislature appropriated over \$83M in capital outlay funding for water projects. The NMED and OSE will oversee about \$75M of these appropriations. Seven projects were selected to assess a broad array of types of projects, geographic location, appropriation amounts and known progress to date. Only 10 percent of the estimated \$27M in state appropriations has resulted in successful outcomes. The overall return on this investment remains uncertain. Additional funding in the form of Water Trust Board (WTB) money, federal grants, and other state loans or grants raise the total known resources linked to these projects by \$6M. It is anticipated more funding will be required for project completion.

Ms. Alarid stated that if there is anything additional that the Directors and Executive Engineer need her to do to please let her know. She further stated that she has been working with Mr. Lovato on meetings with Pueblo of Sandia. The Pueblo will be deciding on a new governor as soon as January 3, 2015.

Director Eichenberg asked about the Capital Outlay projects she will be lobbying for since he did not see it noted on the handout. Ms. Alarid stated it has not been discussed yet, but she will work on it.

Mr. Mark Fleisher, working with conjunction with Alarid Consulting, suggested to the Board to look at the report from the OSE that Ms. Alarid referred to earlier in her presentation. He stated that it mentions how poorly money is being allocated, projects not being successful, goals and times not met, etc.

21. Recognition of Public Service

a. Director Dan Lyon

Chair Brown presented Director Lyon with a plaque recognizing him for 12 years of service to AMAFCA. Director Lyon asked for a copy of the picture that was shown during the presentation with both him and his wife. He updated the Board of his wife's medical condition and thanked the Board.

b. Director Danny Hernandez

Chair Brown presented Director Hernandez with a plaque recognizing him for 16 years of service to AMAFCA. Director Hernandez thanked the Board and asked that AMAFCA continue to do projects on the Valley floor.



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22. Unfinished Business

Director Eichenberg suggested that the Board recommend adoption of Resolution 2014-16, 2014 Bond Question Canvass, based on the anticipation and condition that the required certification of the canvass was received from the Bernalillo County Clerk. He further asked Ms. Chavez if that was appropriate. Ms. Chavez replied that as long as the condition is made there would not be a problem. Chair Brown advised that if there is an issue the Resolutions will be taken care of on January 2, 2015.

23. New Business

Director Thomson asked the Board to consider adopting a charter to collaborate with the Rio Grande Water Fund initiated by the Nature Conservancy. Ms. Laura McCarthy gave a presentation to the Board earlier in the year. They are looking for organizations to become charter members of the Rio Grande Wildfire and Water Source Protection Collaborative. There are no financial implications at this time. Director Thomson would like AMAFCA to have this as an agenda item for next month.

32. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 11:25 a.m. The Board's annual Holiday Luncheon immediately followed the meeting.

Tim Eichenberg, Secretary - Treasurer, 1/22/15

Recorded by Guylene Harris, Executive Administrative Assistant