



**Albuquerque Metropolitan  
Arroyo Flood Control Authority  
Regular Meeting Minutes  
February 23, 2017  
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**1. Call to Order and Roll Call**

Chair Thomson called the Regular Board Meeting to order at 10:05 a.m. Thursday, February 23, 2017. Roll was noted as follows:

Directors present:	Chair Bruce M. Thomson Director Cynthia D. Borrego 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 Eichenberg seconded the motion, which passed unanimously (5-0).

**3. Meetings Scheduled**

- a. March 23, 2017, 10:00 a.m. – Regular Meeting**
- b. April 27, 2017, 10:00 a.m. – Regular Meeting**
- c. May 25, 2017, 10:00 a.m. – Regular Meeting**

Director Brown stated he would miss the April 27, 2017 meeting. Director Eichenberg mentioned he may miss as well due to Jury Duty. Attorney Autio stated he will be absent for the March 23, 2017 meeting and another attorney will present in his absence. The dates will be revisited next month.

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

No one signed up for Public Comment. Responding to a question from Chair Thomson, Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that he had left a message for Mr. Orlando

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Lucero, who had addressed the Board in January, stating the dam had been removed in the Alameda Drain and operations at the NDC channel are back to normal.

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

#### **a. January 26, 2017**

Chair Thomson requested the motion made during the Executive Engineer's Report approving an increase in membership dollars from \$5K to \$25K (Partnership Level) for a Grant to the Nature Conservancy for Membership to the Rio Grande Water Fund be noted on page 7.

Director Borrego made a motion to approve the minutes of January 26, 2017. Director Brown seconded the motion, which passed (5-0).

### **6. Financial Matters**

#### **a. FY 17 Budget to Actual**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the FY 17 Budget to Actual. He covered the various graphs from the Board mailout package and presentation and walked the Board through the breakdown of salaries allocated to functions and services provided by AMAFCA. Responding to a question from Chair Thomson, Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that AMAFCA had hoped to share monitoring costs with other entities in the watershed; however no one in the Compliance Monitoring Cooperative (CMC), such as the City of Albuquerque (CoA) and other municipalities, are on board with the plan to share costs. Other entities have taken on the task for monitoring on their own, which is fine; however, AMAFCA will be utilizing the data collected by AMAFCA and will not be obligated to share work product. AMAFCA will be sending notification(s) to the applicable agencies responsible for discharges found in their jurisdiction(s). It is hoped that once the entities within the CMC realize that AMAFCA is not sharing the data AMAFCA is collecting, they will participate in sharing the costs for monitoring. He further stated that the upcoming Resolution for a Budget Adjustment would take into consideration the increase needed for the Stormwater Quality line item(s). Mr. Chavez stated that AMAFCA had been, and will continue to, monitor the Stormwater Quality budget closely.

#### **b. AMAFCA Cash & Investments**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, referred the Board to the graph from Memo Item 6b. He noted there were some smaller projects that had not been captured before; however, they will be reflected in the report moving forward. The anticipated total of all contracts (starting at \$40K on up) are estimated at \$100K. There were no questions.

#### **c. Approval of January 2017 Expenditures**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the January 2017 Expenditure report. Responding to a question from Chair Thomson, Mr. Chavez stated that the funds for Level Logger DO and Temperature Monitoring are funds for monitoring the level

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loggers already in place. Mr. Jerry Lovato, AMAFCA Executive Engineer, stated level logger monitors are throughout the watershed. AMAFCA had contracted with Bohannon Huston and NCS Engineers for monthly monitoring in order to comply with the MS4 permit requirements.

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

**d. Financial Position Recap January 16, 2017 through February 15, 2017 & Forecast February 16, 2017 through March 15, 2017**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Financial Position Recap and Forecast. He stated the Agency and Area-Wide project did not come in as forecasted in the Construction Fund during February and invoices would be high in March. He further stated that the Tijeras Sediment Retention project had been moving at a fast pace with a forecast in February for \$600K; however, it came in closer to \$110K. 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).

**e. Fiscal Agent Funds – Proof of Cash and Savings**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, presented the Fiscal Agent Funds. There were no questions.

**f. Approval of Resolution 2017-03, Budget Adjustment**

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, stated that the Budget Adjustment before the Board was for the Mid-year Budget Adjustment. There were three adjustments to consider: Storm Water Quality, Grant to the Nature Conservancy / Rio Grande Wildlife and Water Source Protection Water Fund under Government Affairs, and Capital Outlay for the on-going building expansion and yard improvements. Responding to a question from Chair Thomson, Mr. Lovato stated the parking lot is halfway completed and advised that Mr. Nolan Bennett, AMAFCA crew, and the On-Call Engineer were doing a great job. Responding to questions from Director Eichenberg, Mr. Chavez stated that all yard work is anticipated to be completed in FY-2017. \$600K is coming from unspent funds which were approved in the FY-2016 Budget and \$150K approved from FY-2017. He further stated he did not foresee anything coming from FY-2018 funds; however, if all work is not completed that could change. The balance of the non-committed Contingency Fund is currently around \$838K; which will go down to \$813K after providing funding for the Grant to the Nature Conservancy. Responding to a question from Director Brown, Mr. Chavez stated that AMAFCA had moved to an accrual method of accounting for FY-2017 so AMAFCA would know what funds were available.

Director Brown made a motion that the Board approve and adopt Resolution 2017-03, Budget Adjustment, and authorize the Chair and Secretary to execute the same on behalf of AMAFCA. Director Borrego seconded the motion, which passed unanimously (5-0) on a roll-call vote.

**7. Legal**

**a. Status Report**

Attorney Randy Autio stated that a subpoena had been received pertaining to The Trails, LLC, et al., vs. Steven J. Metro, et al., and while AMAFCA is not a party to the lawsuit it did receive the subpoena from Federal Court. The subject of the subpoena is well tailored, but includes all communications between CoA, AMAFCA, the design engineers, and two developers relating to project planning, funding, design and construction. AMAFCA staff is working diligently to answer the questions and produce the documents requested. Mr. Lovato stated that the Closed Session at the end of the meeting would be used to discuss the item in detail. Responding to a question from Director Borrego, Attorney Autio reiterated that while AMAFCA was not a party to the lawsuit, AMAFCA had received the subpoena from Federal Court. There was a brief discussion on the man hours needed for documents going back to the 1990s, copying the information, responding to specific questions, attorney time, attorney client privileged items on file, and attorney client privileged items that would be covered in closed session.

**8. Executive Engineer's Report**

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

Mr. Jerry Lovato, AMAFCA Executive Engineer, advised the Board that there was a revised memo in their folder pertaining to the Caravan site. Mr. Lovato highlighted significant activities from the past month:

- **Kirtland Air Force Base (KAFB) Drainage at Gibson and Louisiana:** AMAFCA is currently using an On-Call Engineer to provide all NEPA documentation, including an Environmental Assessment, and to start the Baseline Survey for the proposed KAFB Drainage Facility. Chair Thomson stated he recently received an email that was sent to a number of government leaders at CoA and BernCo from a concerned member of the neighborhood association / resident who originally brought the issues to AMAFCA three years ago. Responding to a question from Director Brown, Mr. Lovato covered the history of the proposed project. He stated that KAFB has assigned staff to work on the project and reiterated KAFB had been more involved in getting a project done than they ever were before.
- **University of New Mexico (UNM) North Golf Course:** AMAFCA continues talks with both UNM and Bernalillo County (BernCo) regarding modifications to the North Golf Course to alleviate flood plain in the neighborhood along the north side of the golf course and erosions in the North Diversion Channel (NDC). This is a joint project that AMAFCA would like to have done in the wintertime between the UNM Physical Plant, BernCo Public Works, and AMAFCA. AMAFCA had not received any new information since the previous Board recap. Responding to a question from Director Brown, Mr. Lovato stated that BernCo is involved due to the BernCo open space area. Attorney Autio stated that the original agreement for the open space was for 10 years and it had been extended.

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- **City of Albuquerque (CoA) Moon Mini DMP – Inundation Mapping Update:** The signed agreement was received by AMAFCA on January 26, 2017. The project kickoff meeting was held with Smith Engineering to verify and schedule the new scope of work. Smith Engineering has scheduled the start of the remapping effort for March 1, 2017. It will take approximately 60 days to complete the final product.

*Marble Arno Pump Station Update:* CoA received proposals for engineering services to design the first phase of the Marble Arno Pump Station. The Selection Advisory Committee selected Smith Engineering for the Design of Phase I. The scope of work had been modified to address CoA funding. Responding to a question from Director Brown, Mr. Lovato stated that the revised scope removed the vertical walls of the wet well allowing 2:1 or 1:1 side slope that will could be shotcreted. The change would reduce the original 30 acre feet of storage to likely 20-24 acre feet. A future project would need to modify the pond to make it a pump station wet well. He further stated there might not be any storm drain work with the project and it might only connect to Broadway, not Lomas. Responding to a question from Chair Thomson, Mr. Lovato stated that the pond would be a surge pond. Responding to a question from Director Brown, Mr. Lovato agreed it should not preclude doing an additional project in the future. Responding to a question from Chair Thomson, Mr. Lovato stated that the area drains by gravity and the temporary pond at Broadway holds approximately 17 acre feet. Responding to a question from Director Stover, Mr. Lovato stated that phasing the project would result in the efficiency of the system being degraded and flooding in the area would still be possible until the entire project is built out. Directors Stover and Borrego voiced their disappointment that the project will be done in phases and not as extensive as originally proposed. The cost of the original project was \$22M to take care of the flooding problem; however, AMAFCA could not speak for CoA, but was advised there is not enough funding at this time to take care of the entire project as originally planned. Responding to a question from Chair Thomson, Mr. Lovato stated that the post office pond would still be in place until the project is completed. The 17 acre feet of storage from the Post Office pond, plus the proposed 20+ acre feet for the Marble Arno pond would help reduce flooding in the area. Responding to a question from Director Borrego, Mr. Lovato stated he does not have the phases for the project available, but will bring it back to the Board next month.

*Regional Flood Control and Water Quality Improvements at the Barelvas / Alcalde Pump Station Update:* AMAFCA is required to do a biological assessment of the Bosque. Staff contacted the United States Army Corp of Engineers (USACE) to identify the scope. The estimated cost is \$80K, which may be reduced if the scope can be better defined.

*Caravan Site – Regional Flood Control and Water Quality Improvement Update:* The CoA had published a Request For Proposal to obtain an Architect to design the new library. CoA had purchased the property for a future library and five acres for a drainage pond. CoA will try to incorporate items identified in the final report generated from the NEA Grant, “Our Town”, which AMAFCA and BernCo were grant co-applicants with the CoA.

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- **Bernalillo County Garduño Road Storm Drain Improvement Project:** BernCo is moving forward with the project and is working on obtaining design services.
- **AMAFCA Emergency Work:** MRGCD had the dam removed in the Alameda Drain. AMAFCA had been given the go ahead and has started draining the Bathtub area in the NDC and the settling area.

### **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.

## **9. 2016 Bond Sale**

### **a. Bond Presentation by George K. Baum**

Mr. Chavez introduced Mr. John Archuleta with George K. Baum. Mr. Archuleta provided a handout to the Board. The presentation included some of the following: Debt Profile, Assessed Valuations with a five year analysis of residential, non-residential, and central assessment growth, history of AMAFCA Tax Rates, BernCo Tax Collections, Mill Levy, Finance Plan that included the Bond Election, Financing Options, Market Update for both Municipal Bond and Current Market, and Past AMAFCA Bond Sales. Mr. Archuleta advised there was a brief meeting with a Rating Agency a few weeks ago and they were pleased with the consistency of AMAFCA, the Management team, and the Board; he does not see any issues maintaining the AAA rating. He further stated there would be rating calls in a few weeks between AMAFCA and the Rating Agencies before the upcoming Bond Sale. Funds from the Bond Sale will be ready on / or about May 5, 2017.

Responding to questions from Director Brown, Mr. Archuleta stated the total payment for 2017 will be \$8,450,000 for outstanding bonds already sold. By the time bonds are sold again, the principle and interest requirements would be modified to match the Mill Levy that is presently set for debt service. Responding to questions from Director Eichenberg, Mr. Archuleta stated he had not “shocked the system” or taken into account a drop in the assessed value (Mill Levy calculated with a drop of \$500M). He mentioned that upon request, George K. Baum could run different scenarios, do a work session, etc. Responding to a question from Director Eichenberg pertaining to page 7 of the handout, Mr. Archuleta stated the information provided to the Board was based on actual historical information. He further stated that for both this year’s sale and the next sale, he did not see any problems and AMAFCA should be able to maintain the present plan. Responding to a question from Director Brown, Mr. Archuleta stated that the information was based on 2016 assessments. Responding to the concern with a possible drop of \$500M assessed valuation, Mr. Archuleta stated that AMAFCA has a good financing plan in place, it is working, and there is flexibility.

Mr. Chavez introduced Ms. Katherine Creagan with the Modrall Law Firm. Ms. Creagan stated that the Resolution before the Board was the Standard Notice of Bond Sale. The Bond Sale is scheduled for March 23, 2017, at which time bids will be accepted from potential investors. The Bonds will mature August 2017 through August 2026. The actual Award Resolution will be

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available on March 23, 2017. Mr. Chavez stated that the Resolution was in the same format as in previous years. There were no questions.

### **b. Approval of Resolution 2017-04, Notice of Bond Sale**

Director Brown made a motion that the Board adopt Resolution 2017-04, Notice of Bond Sale. Director Stover seconded the motion, which passed unanimously (5-0) on a roll-call vote.

### **10. Hamilton Dam – Authorization to Advertise Request for Proposals for Engineering Design Services for Dam Design**

Mr. Bradley Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo.

Responding to a question from Chair Thomson, Mr. Bingham stated the embankment will be higher than six feet, have more than 50 acre feet of water, and would be a jurisdictional dam. Mr. Bingham covered the location, noting that the dam would encompass 13 lots, 10 of which are west of Eubank, plus three other lots east of Eubank. During the first public meeting, residents were concerned about having a dam, but voiced more concerned with the height of the dam (35 to 40 foot tall). A request was made to see if the three extra lots would work in addition to taking out Eubank, increase the volume of the dam, and decrease the size of the embankment. Responding to a question from Chair Thomson, Mr. Bingham stated that the Office of the State Engineer (OSE) would be involved once the Hydraulic Analysis and Breach report was completed. Mr. Lovato stated that the OSE had been contacted and AMAFCA is working to streamline the process within an 18 month to two year time frame. Responding to a question from Chair Thomson, Mr. Lovato stated that the dam is a high hazard dam. Responding to a question from Director Stover, Mr. Lovato described what a high hazard dam is (loss of life issue). Mr. Lovato reminded the Board that the OSE had not approved an AMAFCA Emergency Action Plan in the last 15 years. Responding to a question from Director Borrego, Mr. Lovato stated one of the reasons AMAFCA had approved a Grant for the Nature Conservancy, would be to help alleviate debris flows after a catastrophic wildfire. The dam itself would contain a 100-year event. Responding to a question from Director Brown, Mr. Lovato stated that AMAFCA had notified the Pueblo of Sandia, but not in writing regarding building the dam. He further stated AMAFCA had been working for approximately 25 years with Sandia and had not been able to get Avulsion One constructed. Ms. Vanessa Alarid had been working hard during the last two years to establish meaningful dialog between AMAFCA and the Pueblo of Sandia Governor and War Chief. Responding to questions from Director Eichenberg, Mr. Lovato stated that AMAFCA had not offered compensation other than to build Avulsion One at AMAFCA's expense and no counter offer was made. Mr. Lovato stated he would send a letter to Sandia to advise them that AMAFCA would be moving forward with Hamilton Dam. The last request from the Pueblo of Sandia to address concerns with Avulsion One design, which was brought to the Board about three years ago, increased the price by \$1.5M. AMAFCA would build Avulsion on their property, and would not request an easement for maintenance. Responding to questions from Director Eichenberg, Attorney Autio stated that Sandia is a Sovereign Government and the ability to bring claims against them in their court would prove to be very difficult. There may be remedies through FEMA or Homeland Security. He further stated that a letter could be drafted, pointing out in a factual way, that Sandia would have a part in the liability; if there was a

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catastrophic event on their land. There was a brief discussion regarding the various ponds on Sandia, the two solutions, getting permission to build (in order to be a good neighbor), or just build a dam to help eliminate loss of life, etc. The Board agreed a letter should be drafted with the help of legal counsel noting the concerns / solutions and sent to the Pueblo of Sandia. It was noted that if no response is received AMAFCA should proceed with a RFP. If communication is received, AMAFCA should hold off publishing the RFP.

Director Brown made a motion that the Board authorize advertisement of the Request for Proposals for the Hamilton Dam Engineering Services, after a letter has been sent to the Pueblo of Sandia stating that AMAFCA would be moving forward to design and build Hamilton Dam. If a response is received, the RFP will be put on hold. If no response is received; a RFP will be published. Director Stover seconded the motion, which passed (5-0).

### **11. Albuquerque International Balloon Fiesta – Consideration of a Funding Agreement for Storm Drain Outfall to the NDC**

Mr. Jerry Lovato, AMAFCA Executive Engineer, stated that the Board was sent a supplemental memo earlier in the week. Two days prior to the Board meeting, the BernCo County Commission met to discuss a special use permit which stipulated extra conditions. One condition would be that AMAFCA is required to inspect the temporary drainage facility that will be placed on the land directly west of the NDC until the 408 permit is completed and approved by the USACE. The agreement provides for license of the new bridge, funding for the permanent storm drain outfall to the NDC, and the temporary access and construction license to construct the project. It has a 25-year term which may be extended three times. The agreement also allows the Balloon Fiesta to provide money to AMAFCA, which will be saved until the 408 permit is approved by the USACE. Once the 408 permit is approved, AMAFCA will complete the pipe penetration into the NDC making it a permanent drainage connection. The drainage facility on Albuquerque International Balloon Fiesta (AIBF) will be maintained by AIBF. The AMAFCA right-of-way will be maintained by AMAFCA. Responding to a question from Chair Thomson, Mr. Lovato stated the pipe is 36 inches in diameter. The 36 inch pipe is what triggered the need for the special use permit. Mr. Lovato further stated that AIBF had done everything AMAFCA had requested. Mr. Lovato mentioned Mr. Paul Smith, Executive Director of the AIBF, was present for any questions. There were no questions.

Director Brown made a motion that the Board approve the Funding Agreement and Encroachment License for the AIBF Bridge located at the North Diversion Channel with the Albuquerque International Balloon Fiesta, substantially as attached. Director Stover seconded the motion, which passed (5-0).

### **12. Approval of Resolution 2017-05, Grant of Funds to Rio Grande Wildlife and Water Source Protection Water Fund**

Mr. Jerry Lovato, AMAFCA Executive Engineer, summarized information regarding the Grant to The Nature Conservancy / Rio Grande Wildlife and Water Source Protection Water Fund.



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Responding to a question from Director Eichenberg, Mr. Lovato, responded that the Grant would be for one year.

Director Eichenberg made a motion that the Board adopt Resolution 2017-05, Grant of Funds to Rio Grande Wildlife and Water Source Protection Water Fund. Director Brown seconded the motion, which passed unanimously (5-0) on a roll-call vote.

### **13. Stormwater Quality**

#### **a. Regional Flood Control and Water Quality Improvements for the Bear Arroyo – Consideration of Funding Agreement with the City of Albuquerque**

Mr. Jerry Lovato, AMAFCA Executive Engineer, summarized information provided in the memo.

The draft funding agreement defined the responsibilities for funding, design, construction, construction engineering and maintenance of the Bear Arroyo and the Bear Tributary Arroyo Storm Water Quality Enhancement Project, and the timing of such responsibilities. AMAFCA would be in charge of the design and CoA had agreed to help to fund the design and construction of the Regional Facilities. The facility would have a soft bottom “naturalistic” channel for water quality as well as the possible aquifer recharge area. The other location will include a concrete channel to collect trash and debris before discharging into the NDC and ultimately into the Rio Grande.

Responding to questions from Director Eichenberg, Mr. Lovato stated that the area in question contains an ABCWUA tank. He further stated that there may be a possibility to use some of the water to keep the area wet for mushrooms in order to treat E. coli; however, there might not be enough money within the design. There was a brief discussion regarding the location, people walking in the arroyo, crime in the area, the golf course area, etc. Responding to questions from Director Brown, Mr. Lovato stated a portion would be a harden channel with drop structures further down and that flood control wise the area is very stable. Responding to questions from Director Eichenberg, Mr. Lovato stated the anticipated cost is \$600K, with a 50 /50 split with CoA. He further stated that AMAFCA crew may not be able to maintain the area; it may need to be contracted out. It was the consensus of the Board to proceed.

### **14. Calabacillas Arroyo West Branch DMP – Alternatives Decision Point**

Mr. Bradley Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo.

Responding to a question from Director Brown, Mr. Bingham stated it would be hard for the maintenance crew to handle 53 little ponds. Responding to a question from Director Stover, Mr. Bingham stated that the Board had wanted to do two ponds; however, two Directors asked to tour the area, prior to deciding. Hence, the item was before the Board for their input once again. It was the consensus of the Board to do two big regional ponds.

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### 15. Legislative Liaison – Briefing on the 2017 New Mexico Legislative Session

Ms. Vanessa Alarid with Alarid Consulting referred to her handout that was sent to Mr. Lovato covering the various House Bills.

Responding to a question from Chair Thomson, Mr. Lovato stated that it would cost AMAFCA approximately \$10K every year should the Local Election Act pass. There was a brief discussion regarding the timing, voter turnout, elections in other counties, etc. Responding to a question from Director Borrego, Mr. Lovato stated that the change in the Local Election Act would impact the Mayoral 2018 election. Responding to a question from Director Stover, Ms. Alarid stated that HB 468 for the Water Authority had been introduced for the third year, both CoA and ABCWUA are against it, and it had not been scheduled before a committee.

### 16. AMAFCA Field Highlights

#### a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, gave a report of various projects and events over the past few months.

The slides opened with a hawk flying at McCoy Dam, continued with various pictures of bicycle racing at the North Domingo Baca Dam, numerous slides and a video at the Tijeras Sediment Retention Project Phase I. Responding to a question from Chair Thomson, Mr. Bennett stated that the stockpile at the Tijeras Sediment Retention Project was for future AMAFCA use or could be used for sediment sales. Responding to a question from Director Borrego, Mr. Bennett stated that the rocks came from the Laguna area. The presentation continued with various slides of the Isleta Drain Diversion, the Telemetry Project at Raymac, Amole, Hahn, and the AMAFCA yard, multiple slides and video of the Gross Debris Study, Cleanups of Homeless Camps, and Stormwater quality videos. Responding to a question from Chair Thomson, Mr. Bennett stated that the pile of material at the Balloon Fiesta area is not considered good material (bird waste). Continuing with the presentation, various slides and videos of the Parking Lot project, West I-40 Channel Phase IV, and the Association of State Dam Safety Officials Conference in Florida were viewed. The presentation closed with sand hill cranes at the McCoy Dam. Responding to a question from Director Brown, Mr. Lovato stated that AMAFCA had been placing rock at the West I-40 project and will continue to do so until the project is complete.

#### b. Construction Report

There was no discussion or questions on this item.

#### c. Dam Safety – Oroville Dam

Chair Thomson gave a presentation on the failures of the principal and emergency spillways at Lake Oroville Dam in northern California. The dam was constructed in 1968. A series of large winter storms filled the lake for the first time in 30 years. Releases of 35,000 cfs into the principal spillway caused extensive failure of this concrete lined spillway, which caused dam operators to shut off flow down this spillway and rely upon the emergency spillway for the first time since the dam was built. Erosion downstream from the emergency spillway occurred within 24 hours, which threatened this spillway and caused emergency managers to evacuate nearly

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200,000 downstream residents. Chair Thomson's presentation showed pictures of the failures and presented some preliminary lessons from the multiple spillway failures that are relevant to flood management in New Mexico.

Responding to a question from Director Borrego, Mr. Lovato stated that documentation is kept regarding the various homeless issues. Phone calls are made, incident reports are kept, and issues are reported to CoA, New Mexico Department of Transportation, and the Albuquerque Police Department. Bills are sent out for reimbursement in some instances.

### 17. Real Estate

#### a. Verizon Wireless Facility of AMAFCA Property – Update

Mr. Jeffrey Willis, AMAFCA Real Estate Manager, summarized information provided in the memo.

Responding to a question from Director Brown, Mr. Willis stated that the Verizon representative had accepted the lease amount. The final lease will be brought back to the Board for approval.

Responding to a request from Director Eichenberg, **Item 19. Unfinished Business** was moved up to make a correction to the minutes.

### 19. Unfinished Business

Director Eichenberg stated that under item **12: Renaming of Pond 187 and 187a - Approval of Resolution 2017-02 Raven Pond and Laguna de Cuervo**, the minutes should reflect that he sits on the Board of Finance with Mr. Aragon (not both Mr. and Mrs. Aragon).

Director Eichenberg made a motion for reconsideration of the minutes of January 26, 2017. Director Brown seconded the motion, which passed (5-0). Director Borrego made a motion to approve the minutes of January 26, 2017, as amended. Director Stover seconded the motion, which passed (5-0).

### 18. Executive Session (Closed)

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

##### i. Discussion of Threatened or Pending Litigation

Chair Thomson advised that 18a was a Closed Session agenda item. Director Borrego 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,"* eight edition, 2015, to discuss Threatened or Pending Litigation. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote.

Chair Thomson closed the meeting at 12:52 p.m. Chair Thomson asked for a motion to re-open the meeting at 1:31 p.m. Director Borrego made a motion that the meeting be re-opened. Director

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Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Brown was present during the Executive Session, but had left prior to the vote to re-open the meeting. Director Eichenberg stated legal issues were discussed and no action was taken during the Closed Session.

**20. New Business**

None.

**21. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:32 p.m.

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Ronald D. Brown, Secretary-Treasurer, 3/23/17