



Albuquerque Metropolitan Arroyo Flood Control Authority
Special Meeting Minutes
April 7, 2020
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1. Call to Order and Roll Call

Chair Thomson called the Special Board Meeting to order at 9:07 a.m., Tuesday, April 7, 2020. The call was hosted via Zoom in order to follow the Governor of New Mexico's Executive Order 2020-004 as well as the New Mexico Attorney General's Office on Open Government Division Advisory During COVID-19 State of Public Health Emergency.

Roll was noted as follows:

Directors present via Zoom: Chair Bruce M. Thomson
Director Ronald D. Brown
Director Deborah L. Stover
Director Cynthia D. Borrego – on at 9:08 a.m.
Director Tim Eichenberg – on at 9:24 a.m.

Directors excused: None

Attorney present via Zoom: Marcus Rael, Robles, Rael & Anaya

Others present via Zoom: Jerry M. Lovato, P.E., Executive Engineer
William Zarr, Robles, Rael & Anaya
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Chair Thomson asked that **Agenda Item 6 f Black Mesa 3 Dam Outlet Raymac Dam to McCoy Dam Phase V – Authorization to Advertise for Construction Bids** be moved to the Regular Agenda.

Director Stover made a motion to approve the agenda, as amended. Director Brown seconded the motion, which passed (4-0), on a roll call vote.

3. Meetings Scheduled

- a. April 23, 2020, 10:00 a.m. – Regular Meeting**
- b. May 28, 2020, 10:00 a.m. – Regular Meeting**
- c. June 25, 2020, 10:00 a.m. – Regular Meeting**

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Director Brown advised things had changed and he would now be able to attend the May 28, 2020 Meeting. There were no changes to the dates listed above.

4. Items from the Floor / Public Comments

No one present and no public comments received for meeting.

5. Approval of Minutes

a. March 31, 2020

Director Brown made a motion to approve the minutes of March 31, 2020. Director Stover seconded the motion, which passed (4-0), on a roll call vote.

Chair Thomson stated **Agenda Items 6 a through 6 e and 6 g and h** were on the Consent Agenda. Director Brown made a motion that the Board accept the items on the Consent Agenda, not to include Item 6f that had been moved to the Regular Agenda.

The motion approved the following:

- Agency and Area-Wide Flood Control Rehabilitation IX Design and Construction Management Engineering Services – Approval of First Extension with Conley Engineering; and
- Bond Counsel Services – Approval of Contract with Modrall, Sperling, Roehl, Harris & Sisk, P.A.; and
- Legal Services – Approval of Selection Advisory Committee Recommendation and Contract with Robles, Rael & Anaya, P.C.; and
- Lot 12, Block 20, Tract 1, Unit 3 of North Albuquerque Acres – Acceptance of Drainage Easement; and
- Lot 1, Block 8, Tract 1, Unit 3 of North Albuquerque Acres – Acceptance of Drainage Easement; and
- Black Mesa Phase 1A – Approval on Agreement for Engineering Services for Amendment 57 with Wilson and Company; and
- Financial Advisor – Approval of Selection Advisory Committee Recommendation and Contract with selected firm.

Director Stover seconded the motion, which passed (4-0), on a roll call vote.

Item 6f was moved to the Regular Agenda.

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, stated the Black Mesa 3 Dam Outlet Raymac Dam to McCoy Dam would be Phase V of the project. This would connect Raymac, McCoy, and Don Felipe Dams. There was a brief discussion regarding the project being at 99 percent of design specifications; there is a long lead time for pipe and other items, and after clean up items on Phases III & IV are completed, Phase V would be ready to advertise; and the project would not be put out to bid until everything is done.

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Director Borrego made a motion to authorize the Chief Procurement Officer to advertise the Black Mesa 3 Dam Outlet Raymac Dam to McCoy Dam Phase V. Director Stover seconded the motion, which passed (4-0), on a roll call vote.

7. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the handout which highlighted significant activities from the previous months and answered questions from the Board.

Due to the current issue with COVID-19 AMAFCA transitioned its operation to comply with the Governor of New Mexico's Executive Order No. 2020-004. In addition to the COVID-19 coronavirus, AMAFCA staff have also needed to deal with the release of Raymond Owen, various office security issues, and the Zuni Penn project.

At this time, AMAFCA strives to be as transparent as possible, which includes communication at AMAFCA; sending information to constituents as soon possible; getting in front of issues before they become problems; keep things in perspective; AMAFCA has a job to do and people depend on us; AMAFCA has families that depend on us; and AMAFCA wants to communicate solutions, not just issues.

AMAFCA started to look seriously at how it functioned on Monday, March 9th, and how we would function during a pandemic. March 12th, the PSC agreed to allow administrative leave to care for sick family members; if needed. March 16th, AMAFCA functions were split into three groups with three different people and their backups responsible for those activities. This was done to insure we could continue to protect the lives and property of over 600,000 people if staff started to get sick, there was a plan in place. A brief recap of the functions is as follows: Primary Lead (Nolan Bennett) Responsibilities included AMAFCA's Mission to Protect Life and Property; Mission Critical Functions included Inspection, Maintenance, and Operations. Secondary Lead (Bradley Bingham) Responsibilities included Regulatory needs for Flood Plain; Construction; Design, and Real Estate. Tertiary Lead (Patrick Chavez) Responsibilities included Permit Compliance.

b. Notification of On-Call Services Task Orders

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task orders issued over the last few months. There were no questions.

c. AMAFCA COVID-19 Leave Policy

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. There were no questions. Chair Thomson stated that the PSC had discussed the policy at length and approved. He further stated Mr. Lovato had felt it best that the Board was aware of the policy and it lets AMAFCA staff know the Board supports the policy that was established by the AMAFCA Executive Engineer.

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8. Financial Matters – Approval of Expenditures and Forecast

a. FY 20 Budget to Actual

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

Director Brown made a motion that the Board approve Exhibit 1 on Financial Matters. Director Stover seconded the motion. The motion passed unanimously (4-0), on a roll call vote.

Director Brown made a motion that the Board approve Exhibit 2 on Financial Matters. Director Borrego seconded the motion. The motion passed unanimously (4-0), on a roll call vote.

9. Legal

a. Status Report

Attorney Marcus Rael thanked the Board for approving the agreement to provide Legal Counsel for the upcoming contract term. He continued with a verbal report. There were no questions. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, expressed his thanks to Attorney Rael and his staff. There had been many conversations during night and weekend hours pertaining to various matters.

b. GandyDancer, LLC – Default – Surety Proposal

Attorney Marcus Rael advised the topic would be covered under Executive Session.

c. Zuni Penn Update

Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, summarized the project and answered questions from the Board.

10. AMAFCA Field Highlights

a. Construction Report

Mr. Jerry M. Lovato, AMAFCA Executive Engineer and Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board report and charts. There were no discussions or questions.

11. AMAFCA FY-2021 Budget

a. Surplus Property Report

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred the Board to the memo and exhibits that Mr. Jeffrey S. Willis, AMAFCA Real Estate Manager, had drafted. He stressed that while AMAFCA does not have any property that is considered surplus at this time there is potential on

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the non-essential pieces. There were no questions.

b. AMAFCA Equipment and Fleet Evaluation

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred the Board to the memo and exhibits that Mr. Nolan Bennett, AMAFCA Field Engineer, had drafted. He pointed out Mr. Bennett and Mr. Sal Hernandez, AMAFCA Maintenance Superintendent, had gone over AMAFCA's equipment. A semi-truck and lowboy trailer had been added, two items had been removed which had been donated to SSCAFCA, and there is a potential negative budget going into FY 2025. There were no questions.

c. FY-2021 Revenue Projections

Director Eichenberg announced he had been on the Zoom Conference, but without video.

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

d. Draft FY-2021 Operating Fund Budget

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

e. Draft FY-2021 Contingency Fund Budget

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

f. Draft FY-2021 Unassigned Fund Budget

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

g. Draft FY-2021 Acquisitions & Savings Fund Budget

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

h. Draft FY-2021 Construction Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

i. Draft FY-2021 Agency & Area-Wide Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information

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provided in the memo. There were no questions.

j. Draft FY-2021 Debt Service Fund Budget

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

k. Draft FY-2021 Fiduciary Fund Budget

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board.

12. Executive Session (closed)

a. Discussion of Threatened or Pending Litigation (§10-15-1(H)(7))

Chair Thomson advised **Agenda Item 12 a** was a Closed Session agenda item that would be conducted via teleconference and the Zoom Conference would be paused. 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,”* eighth edition, 2015, to discuss Threatened or Pending Litigation. Director Stover seconded the motion, which passed unanimously (5-0), on a roll call vote. Mr. Lovato and Legal Counsel were to remain. The Zoom meeting was paused for the Directors to participate in the Closed Session.

Chair Thomson closed the meeting at 10:00 a.m. Chair Thomson asked for a motion to re-open the meeting at 11:02 a.m. Director Brown made a motion that the meeting be re-opened. Director Stover seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Eichenberg was not on the Zoom Conference to vote to reopen the meeting. Chair Thomson stated that no action was taken during the Closed Session, only items that pertained to Possible Litigation were discussed.

13. Unfinished Business

None.

14. New Business

None.

Before adjourning Chair Thomson stated he was interested in hearing comments on how the Board Meeting via Zoom went. Please contact him directly with any comments.

15. Adjourn

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There being no further business to come before the Board, Chair Thomson adjourned the meeting at 11:03 a.m.

Deborah L. Stover, Secretary-Treasurer, 4/23/2020

If Draft is noted as a watermark, the minutes are in draft form, are not the official minutes of record, and are subject to approval by the AMAFCA Board of Directors.