



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Special Meeting Minutes**  
**May 4, 2020**  
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**1. Call to Order and Roll Call**

Vice Chair Brown called the Special Board Meeting to order at 10:32 a.m., Monday, May 4, 2020. The call was hosted via Zoom in order to conform with the Governor of New Mexico's Executive Order 2020-004, as well as the New Mexico Attorney General's Office on Open Government Division's Advisory During COVID-19 State of Public Health Emergency.

Roll was noted as follows:

Directors present via Zoom: Chair Bruce M. Thomson  
Director Tim Eichenberg  
Director Cynthia D. Borrego  
Director Ronald D. Brown  
Director Deborah L. Stover

Directors excused: None

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

Others present via Zoom and / or in person: 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**

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

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

No one present and no public comments received for meeting.

**4. GandyDancer, LLC Default**

- a. Lower Bear Tributary Arroyo Regional Flood Control and Water Quality Improvements Project – Approval of Tender Agreement between Obligee, Surety, and the Completion Contractor**

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Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. Responding to questions for the Board regarding the contractor, agreement, and Performance Bond, Mr. Lovato stated AUI would be working for AMAFCA as the contractor and they would need to obtain their own Performance Bond. Responding to a question to the attorney regarding a contract with AUI to protect AMAFCA, Attorney William Zarr covered various steps. Attorney Marcus Rael made the Board aware that there are additional items such as time of completion and Surety information that still need to be worked out. He further stressed that while he does not foresee it happening, the Surety can agree to pay while reserving its rights to contest payment at a future time. A brief discussion covered other items that the Attorneys assured the Board would not be an issue.

Director Brown made a motion to authorize approval of the tender agreement between AMAFCA, the Surety, and the Completion Contractor, substantially as attached, to complete the Lower Bear Tributary Arroyo Regional Flood Control and Water Quality Improvements Project. Director Stover seconded the motion, which passed (5-0), on a roll call vote.

**b. Agency & Area-Wide Flood Control Rehabilitation VIIIb – Approval of Tender Agreement between Obligee, Surety, and the Completion Contractor**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo. There were no questions.

Director Stover made a motion to authorize approval of the tender agreement between AMAFCA, the Surety, and the Completion Contractor, substantially as attached, to complete the Agency & Area-Wide VIIIb Project. Director Brown seconded the motion, which passed (5-0), on a roll call vote.

**5. Unfinished Business**

None.

**6. New Business**

None.

**7. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 10:50 a.m.

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Deborah L. Stover, Secretary-Treasurer, 5/28/2020

*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.*