



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
May 26, 2022
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1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 10:01 a.m., Thursday, May 26, 2022, at the AMAFCA office in Albuquerque, NM. The meeting was accessible via Zoom to comply with AMAFCA Resolution No. 2020-05, a Resolution of the Governing Body of the Albuquerque Metropolitan Flood Control Authority, Authorizing the Exercise by Board of Directors of Amended Procedures for the Conduct of Public Meetings During the Effective Period of Executive Order No. 2020-004, Issued by the Governor of New Mexico on March 11, 2020.

Directors present via Zoom and / or in person: Chair Ronald D. Brown – at the AMAFCA building
Director Tim Eichenberg – at the AMAFCA building
Director Orlando G. Martinez, Jr. – at the AMAFCA building
Director Elizabeth Newlin Taylor – at the AMAFCA building
Director Bruce M. Thomson – at the AMAFCA building

Directors excused: None

Attorney present via Zoom and / or in person: William Zarr, Robles, Rael & Anaya – at the AMAFCA building

Others present via Zoom and / or in person: Jerry M. Lovato, P.E., Executive Engineer
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Taylor made a motion to approve the Agenda. Director Thomson seconded the motion, which passed (5-0).

3. Meetings Scheduled

- a. **June 23, 2022, 9:00 a.m. – Regular Meeting**
- b. **July 28, 2022, 9:00 a.m. – Regular Meeting**
- c. **August 25, 2022, 9:00 a.m. – Regular Meeting**

There were no changes to the dates.

4. Items from the Floor Public Comments

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It was noted that Ms. Therese Saunders with the Taylor Ranch Neighborhood Association would be attending the meetings. Ms. Saunders thanked the Board for letting her attend via Zoom.

5. Approval of Minutes

a. April 28, 2022

There was a discussion regarding the length of the minutes. Director Taylor had changes that were needed.

Director Thomson made a motion to approve the Minutes of April 28, 2022, as amended. Director Taylor seconded the motion, which passed (5-0).

6. Consent Agenda

Chair Brown referred to **Agenda Items 6.a.** on the Consent Agenda. Director Eichenberg made a motion that the Board accept the item on the Consent Agenda.

The motion approved the following:

- a. Design, Bidability, and Constructability Reviews – Acceptance of Statements of Interest from Qualified Contractors for Design, Bidability and Constructability Review Services

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

7. Executive Engineer's Report

a. Notification of Past Month's Activities

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referenced the late mailout which highlighted significant activities from the previous / current month and answered questions from the Board.

- **General & Administrative**

Congressional Delegation update: Staff has been contacted by the Congressional Delegation to submit additional information for the Black Mesa Pump Project and the Gibson Corridor Project. Staff will be working with lobbyists in Washington DC to establish the project criteria that is needed to ensure that AMAFCA projects qualify for federal infrastructure funds.

AMAFCA Organizational Chart: Mr. Lovato, along with the Personnel and Salary Committee (PSC), were evaluating possible alternative organizational changes. The changes will be finalized in the next few weeks and will be the subject of an informational Board memo.

AMAFCA Staffing: Mr. Herman Chavez, AMAFCA Finance & Administration Manager, has announced that he will be leaving AMAFCA next month. Mr. Chavez will be leaving

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Albuquerque and moving to the Dallas area for work. The Finance & Administration Manager position has been advertised and it is hoped qualified candidates would apply soon. The PSC were updated concerning the process, position qualifications, and salary requirements. A mini audit will need to be conducted prior to Mr. Chavez's departure. Staff has contacted the AMAFCA auditor to discuss the need for an agreed-to procedure and the timing of the audit.

- Facilities Operations & Maintenance

North Pino Channel: AMAFCA staff engaged an on-call surveyor to confirm existing conditions to determine the adequacy of the channel conveyance between I-25 and the North Diversion Channel. Staff is working with an on-call engineer to finalize the scope of the analysis. Staff has not been able to find the original design analysis or documentation concerning third party maintenance or liability. If it is determined that the channel will need to be upgraded, to address the additional flows, staff will conduct a feasibility study to determine the best cost-effective alternative for the upgrade. The current proposed development next to the channel has been given alternatives that would allow the development to move forward, including, but not limited to, raising the finished floor elevations for inhabited buildings or to construct a flood wall to protect inhabited buildings. Additional information, when it becomes available, will be presented to the AMAFCA Board at a future Board meeting.

Meteorology Update: AMAFCA staff provided the 2022 Meteorology Update within the Executive Engineer's report that highlights the current drought conditions and the possibility of higher temperatures during the monsoon season.

Responding to a question from the Board, Mr. Lovato covered the issues with the Zuni Penn project and advised more information would be brought to the Board next month.

- 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 month. There were no questions.

- 8. PSC Recommendations**

- a. Personnel and Salary Committee – Personnel and Salary Committee COLA Recommendation for FY 23**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the difference between an increase on merit / base rate and COLA / current salary rate. The PSC recommended approving the COLA.

Director Thomson made a motion to approve the Personnel Salary Committee Budget Recommendation (for AMAFCA Cost of Living Adjustment). Director Martinez seconded the motion, which passed (5-0), on a roll-call vote.

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b. Personnel and Salary Committee – Additional Staff Position Recommendation

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the need to take some responsibilities off of the Executive Engineer; what the new position would entail; there is a difference between what a General Manager and an Administrative Manager would do; the Board preferred the Administrative Manager position; the current structure has more employees reporting to the Executive Engineer; and an Executive Committee would be set up to report to the Executive Engineer.

Director Thomson made a motion to approve the Personnel Salary Committee to create an Administrative Manager or General Manager Position. Director Martinez seconded the motion, which passed (4-1). Director Eichenberg voted no.

c. Resolution 2022-05 – Adoption

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the recently approved Administrative Manager position, from the previous item, which would be included, and in October 2021 the Board had approved additional salary increases.

Director Thomson made a motion that the Board approve and adopt Resolution 2022-05, AMAFCA Compensation Policy, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion, which passed (5-0), on a roll call vote.

9. Financial Matters

a. Financial Matters – Approval of Expenditures

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

Director Taylor made a motion to approve the April 2022 Expenditure Report. Director Thomson seconded the motion, which passed (5-0).

b. Other Matters

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

c. Bond Sale – Recap

Mr. Erik Harrigan, Managing Director with RBC Capital Markets, LLC provided information on the Bond Sale that occurred earlier in the day. Part of the presentation noted nine bidders were interested and UBS Financial Services, Inc. was referenced as the winning bidder.

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10. AMAFCA FY-2023 Budget Approvals

a. FY-2023 General Fund Budget for submittal to NM-DFA

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

Director Eichenberg made a motion to approve the FY-2023 General Fund Budget for submittal to NM Department of Finance and Administration. Director Thomson seconded the motion, which passed (5-0).

b. FY-2023 Acquisitions & Savings Fund Budget for submittal to NM-DFA

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

Director Thomson made a motion to approve the FY-2023 Acquisitions & Savings Budget for submittal to NM Department of Finance and Administration. Director Eichenberg seconded the motion, which passed (5-0).

c. FY-2023 Construction Fund Budget for submittal to NM-DFA

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

Director Eichenberg made a motion to approve the FY-2023 Construction Fund Budget for submittal to NM Department of Finance and Administration. Director Taylor seconded the motion, which passed (5-0).

d. FY-2023 Agency & Area-Wide Fund Budget for submittal to NM-DFA

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

Director Thomson made a motion to approve the FY-2023 Agency and Area-Wide Fund Budget for submittal to NM Department of Finance and Administration. Director Eichenberg seconded the motion, which passed (5-0).

e. FY-2023 Debt Service Fund Budget for submittal to NM-DFA

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

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Director Thomson made a motion to approve the FY-2023 Debt Service Fund Budget for submittal to NM Department of Finance and Administration. Director Eichenberg seconded the motion, which passed (5-0).

f. FY-2023 Fiduciary Fund Budgets for submittal to NM-DFA

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

Director Thomson made a motion to approve the FY-2023 Fiduciary Fund Budgets for submittal to NM Department of Finance and Administration. Director Martinez seconded the motion, which passed (5-0).

11. Resolution 2022-06 – Ad Valorem Tax Levy for Tax Year 2022, Applicable to General Operating Fund

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo and answered questions from the Board. The new Directors were briefed on the Department of Finance Administration (DFA) wanting AMAFCA to comply with their yield control versus how the AMAFCA Board tries to keep the Tax Levy low for taxpayers. Mr. Lovato noted there was a mistake on the Resolution. The Board agreed AMAFCA staff should make the change and bring it back for a vote later in the meeting.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2022-06, Ad Valorem Tax Levy for Tax Year 2022, Applicable to General Operating Fund, as amended. The motion authorized the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Taylor seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

12. Resolution 2022-07 – Ad Valorem Tax Levy for Tax Year 2022, Applicable to Debt Service Fund

Mr. Herman Chavez, AMAFCA Finance and Administration Manager, summarized information provided in the memo. There was a brief discussion regarding DFA and their yield control issues.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2022-07, Ad Valorem Tax Levy for Tax Year 2022, Applicable to Debt Service Fund and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Thomson seconded the motion. The motion passed unanimously (5-0), on a roll-call vote.

13. Legal

a. Status Report

Attorney William Zarr, summarized information provided in the memo. There were no questions.

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14. UNM Hydraulic Modeling

a. UNM Hydraulic Modeling and Technical Assistance Funding Agreement for FY-2023 – Approval of FY-20223 Funding Agreement

Director Thomson recused himself from voting on this topic stating there could be a perceived conflict of interest. Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. It was noted that the new directors should tour the lab. Both Directors Martinez and Taylor stated they would like to.

Director Taylor made a motion that the Board approve the Funding Agreement for FY-2023 with UNM for Hydraulic Modeling and Technical Assistance. Director Eichenberg seconded the motion, which passed (4-0), on a roll-call vote. Director Thomson had recused himself.

15. Joint Projects

a. Valle de Oro Barr Spur Improvements & Water Quality Project – Cooperation and Funding Agreement with Albuquerque Bernalillo County Water Utility Authority – Introduction and Draft Agreement

Ms. Nicole M. Friedt, AMAFCA Engineer II, summarized information provided in the memo, noted the City of Albuquerque had edits to the agreement, and answered questions from the Board.

16. AMAFCA Field Highlights

a. Field Report

Mr. Nolan Bennett, AMAFCA Field Engineer, provided a report on various projects / events and answered questions from the Board.

b. Construction Report

Mr. Nolan Bennett, AMAFCA Field Engineer, referred the Board to the Construction Report. There were no questions.

17. Executive Session (closed)

a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8)) – Southeast Valley Drainage and Water Quality Management Plan

Chair Brown advised **Agenda Item 17.a.** was a Closed Session agenda item. The meeting was at the AMAFCA building with all Directors in attendance. Director Taylor 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 Meetings Act, A Compliance Guide for New Mexico Public Officials and Citizens,”* eighth edition, 2015, to discuss Acquisition of Real Property. Director Thomson seconded the motion,

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which passed unanimously (5-0), on a roll call vote. Messrs. Lovato, West, and Troutman, along with Legal Counsel remained.

Chair Brown closed the meeting at 12:33 p.m. Chair Brown asked for a motion to re-open the meeting at 12:58 p.m. Director Thomson made a motion that the meeting be re-opened. Director Taylor seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Brown stated that no action was taken during the Closed Session and only an update that pertained to Acquisition of Real Property was discussed.

18. Unfinished Business

None.

19. New Business

None.

20. Adjourn

There being no further business to come before the Board, Chair Brown adjourned the meeting at 12:58 p.m.

Elizabeth Newlin Taylor, Secretary-Treasurer, 6/23/2022

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.