



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
January 26, 2023
Page 1

1. Call to Order and Roll Call

Chair Brown called the Board Meeting to order at 9:00 a.m., Thursday, January 26, 2023, 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. **February 23, 2023, 9:00 a.m. – Regular Meeting**
- b. **March 23, 2023, 9:00 a.m. – Regular Meeting**
- c. **April 27, 2023, 9:00 a.m. – Regular Meeting**

There were no changes to the dates.

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 2

4. Election of Officers

a. Chair

Director Brown nominated Director Thomson to serve as Chair. Director Eichenberg made a motion to close the nomination and accept Director Thomson as Chair. The Board approved (4-0). Director Thomson abstained.

b. Vice Chair

Director Thomson nominated Director Brown to serve as Vice Chair. Director Eichenberg made a motion to close the nomination and accept Director Brown to serve as Vice Chair. The Board approved (4-0). Director Brown abstained.

c. Secretary-Treasurer

Director Thomson nominated Director Taylor to serve as Secretary-Treasurer. Director Eichenberg made a motion to close the nomination and accept Director Taylor to serve as Secretary-Treasurer. The Board approved (4-0). Director Taylor abstained.

d. Assistant Secretary-Treasurer

Director Eichenberg nominated Director Martinez to serve as Assistant Secretary-Treasurer. Director Thomson made a motion to close the nomination and accept Director Martinez to serve as Secretary-Treasurer. The Board approved (4-0). Director Martinez abstained.

The 2023 Board Officers are:

Bruce M. Thomson, Chair
Ronald D. Brown, Vice Chair
Elizabeth Newlin Taylor, Secretary-Treasurer
Orlando G. Martinez, Jr., Assistant Secretary-Treasurer

The meeting was turned over to Chair Thomson.

5. Appointment to Boards and Committees

- a. MRCOG Executive Board
- b. MRCOG Board of Directors
- c. Middle Rio Grande Water Resources Board
- d. Metropolitan Transportation Board
- e. Personnel and Salary Committee*
- f. Strategic Planning Committee
- g. Financial Committee
- h. Real Estate Committee*

Chair Thomson will get with each Director to discuss positions and deferred acting on this item to the February Board meeting. If a Director is interested in a particular board or committee, please

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 3

send him an email. Mr. Lovato asked that the current Personnel and Salary Committee* members and Real Estate Committee* remain until the February assignments are made. The Board agreed.

6. Items from the Floor / Public Comments

No items from the floor or public comments were received. Chair Thomson recapped AMAFCA's Open Meetings requirements.

7. Approval of Resolution 2023-01, Open Meetings Standards

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered a question from the Board. There was a brief discussion regarding the public health emergency proclaimed in the Governor's Executive Order 2020-004 and should AMAFCA have to do meetings by video only (due to the public health emergency), it will be addressed at that time.

Director Brown made a motion that the Board approve and adopt Resolution 2023-01, Open Meetings Standards, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Martinez seconded the motion. The motion passed unanimously (5-0) on a roll call vote.

8. Approval of Minutes

a. December 15, 2022

Director Eichenberg made a motion to approve the Minutes of December 15, 2022. Director Brown seconded the motion, which passed (4-0). Director Taylor was not present at the December meeting and recused herself.

9. 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 month and answered questions from the Board.

- **General & Administrative**

Legislative Liaison: Staff has been working with the legislative liaison to provide information to the state legislature concerning additional funding for the AMAFCA Office rehabilitation, equipment needs, and Flood Control Projects. The Board was provided with the one-page synopsis of each project that was drafted for the state legislators. They agreed that the information was what was needed to highlight the needs for AMAFCA. In addition, Mr. John O'Donnell, is working with the U.S. Army Corps of Engineers (CoE) on six projects that have been whittled down to two, for possible federal funding.

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 4

AMAFCA Staffing: Mr. Eric De Flon, CPA, is no longer employed with AMAFCA. Mr. De Flon did complete the AMAFCA Annual Comprehensive Financial Report on time and AMAFCA will be submitting the report to the Government Financial Officers Association (GFOA). AMAFCA is currently advertising for a Director of Finance and Procurement, and it is hoped to have the position filled soon.

AMAFCA Website: Ms. Jessica Regensberg, AMAFCA GIS Manager, has been working on the new AMAFCA website and walked the Board through some of the changes. There were numerous compliments.

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. December Board Meeting Follow-Up

a. AMAFCA Building Rehabilitation Update

Mr. Willie West, AMAFCA Real Estate Manager, referenced the late mailout and answered questions from the Board. The presentation highlighted the various needs of the 50-year old public building, which as a whole, does not meet current code requirements, lacks a fully functional fire protection system, is not Americans with Disabilities Act compliant in many areas, lacks adequate emergency exits, and the building itself is running out of room to house staff; the options of rehabilitation of the current building versus a completely different location on land that is currently for sale was discussed; costs varied depending on what part of town the land is in, including the various utilities that would need to be added to the empty lots; should AMAFCA move the office building the snowman location would move as well; cost per square foot and government requirements that are needed for any upgrades that have specific standards that must be met was discussed; AMAFCA was delayed on getting construction bids due to a delay with the City of Albuquerque (CoA) Transportation Board; and there is a request for Legislative Capital Outlay to help fund the building rehabilitation.

b. City of Albuquerque 2023 GO Bond Program

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, provided a verbal recap since there had been no additional information provided by CoA or the Mayor of Albuquerque regarding CoA's 2023 GO Bond Program and answered questions from the Board. He stressed AMAFCA had not lobbied the City Council, per request from the Board, but did provide technical information that the AMAFCA lobbyist received as well. The Board encouraged each other to reach out to their applicable City Council member.

10. Financial Matters

a. Financial Matters – Acceptance of Financial Information

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

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 5

memo.

Director Brown made a motion that the Board accept the December Financial Information (Disbursements). Director Eichenberg seconded the motion, which passed (5-0).

b. Other Matters

No information was provided or discussed regarding this item.

11. AMAFCA Redistricting – Approval of Resolution 2023-02, Adopting Five (5) Single Member Districts for the Election of the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered questions from the Board. Responding to a request from the Board, a high-resolution map with precincts would be provided to the Board.

Director Brown made a motion that the Board approve and adopt Resolution 2023-02, Adopting Five (5) Single Member Districts for the Election of the Board of Directors of the Albuquerque Metropolitan Arroyo Flood Control Authority, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion. The motion passed unanimously (5-0) on a roll call vote.

12. Legal

a. Status Report

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

13. AMAFCA FY22 ACFR – Public Presentation and Acknowledgement of Satisfactory Completion of the FY22 Audit

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised the report is produced by AMAFCA staff and it is required that an Independent Public Accountant firm audits the work. Mr. A.J. Bowers with Carr, Riggs, and Ingram was not available to make a presentation in person or via Zoom; the Audit needs to be presented during a public meeting to acknowledge the Satisfactory Completion of the FY22 Audit; the Board could have a Special meeting or wait until the February meeting; there would be no penalty for not acknowledging at this point, if the Board decides to hold off until next month; an exit interview had been presented to the Board Chair; no findings were noted; the report would also be sent to the GFOA; and questions by the Board were answered. The Board commended staff for the work that went into the report and agreed to defer this item until the February 2023 meeting.

14. Legislative Liaison

a. Briefing on the 2023 New Mexico Legislative Session

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 6

Ms. Skye Devore, working with Alarid Consulting, was present via Zoom. Part of the presentation included two commitments (from Legislators) for approximately \$1.1M for the AMAFCA Building (Rehabilitation) project; Directors were encouraged to reach out to their applicable Senator / Representative and if anyone needs their names to let Ms. Devore know; while there is no language at this time regarding a Memorial for the AMAFCA 60th Anniversary, both Senator Michael Padilla and Representative Cynthia Borrego are sponsoring it; there have been attempts to talk to the Governor regarding the Building fund with the meetings getting rescheduled; discussions with City Councilors regarding the Bonding have taken place; and responding to questions from the Board, Ms. Devore will send a list of Bills that could affect AMAFCA to Mr. Lovato for dissemination to the Directors; regarding funding for the Office of the State Engineer / Dam Safety Bureau (OSE/DSB), there was a huge shake-up at the House Appropriation and Finance Committee with a change in Chair persons so there is a lot of talk regarding the Committee; it was noted that it is in AMAFCA's benefit to support funding for the OSE/DSB; and Ms. Devore will watch what is happening pertaining to the OSE/DSB.

15. On-Call Storm Water Quality / Environmental Engineering Services – Approval of First Extension

Mr. Patrick J. Chavez, AMAFCA Storm Water Quality Engineer, summarized information provided in the memo and answered a question from the Board.

Director Brown made a motion to approve the first extension of On-Call Storm Water Quality / Environmental Engineering Services agreements (with Bohannon Huston, Inc., NCS Engineers., Tetra Tech, Inc., and Weston Solutions, Inc.). Director Taylor seconded the motion, which passed (5-0).

16. Calabacillas Grade Control Structures 3a1, 3b1, and Associated Bank Protection – Project Update

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered questions from the Board. Part of the presentation included the overview of the arroyo; existing infrastructure; the need for additional bank protection; estimated cost; looking to bid in July 2023 to allow enough time to work the 404-permit with the CoE; and advised Ms. Marie Vandergeest, AMAFCA Project Engineer, would be taking over the project.

17. AMAFCA Field Highlights

a. Field Report

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

b. Construction Report

Mr. Nolan Bennett, AMAFCA Director of Operations, referred the Board to the Construction Report. There were no questions.

AMAFCA Regular Meeting Minutes

January 26, 2023

Page 7

18. Allaso at Journal Center 6 Apartments – Turnkey Project Draft Turnkey Agreement

Mr. Jared Romero, AMAFCA Development Review Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation included the request that AMAFCA take over the infrastructure at the site to drain into the North Pino Arroyo; there is a 30-inch reinforced pipe penetration; the turnkey project was presented to the Board in December 2021; and the developer has addressed the concerns of AMAFCA; the turnkey agreement has been sent to the developer and AMAFCA legal for review; and the turnkey agreement will be brought before the Board at the February meeting for approval. It was noted that it was fortunate that the hydrology mistakes were noticed now before there was a big wrangler rainstorm.

19. Lot 13-A, Block 4, Tract 3, Unit 3, North Albuquerque Acres Subdivision – Acceptance of Drainage Easement

Mr. Jared Romero, AMAFCA Development Review Engineer, summarized information provided in the memo and answered questions from the Board.

Director Brown made a motion to authorize the Executive Engineer or his designee to approve the subject plat with the dedication of AMAFCA drainage easement. Director Eichenberg seconded the motion, which passed (5-0).

20. Executive Session (closed)

- a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8))**
- b. Personnel Matters (§ 10-15-1(H)(2))**

Chair Thomson advised **Agenda Items 20.a.** and **20.b.** were Closed Session agenda items. The meeting was at the AMAFCA building with all Directors in attendance. Director Brown 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 (the New Mexico Attorney General’s office has not updated to a 2023 edition), to discuss Acquisition of Real Property and Personnel Matters. Director Taylor seconded the motion, which passed unanimously (5-0), on a roll call vote. Messrs. Lovato and West, Ms. Regensberg, and Legal Counsel remained for Item 20.a. and only Legal Counsel remained for item 20.b.

Chair Thomson closed the meeting at 11:00 a.m. Chair Thomson asked for a motion to re-open the meeting at 12:20 p.m. Director Taylor made a motion that the meeting be re-opened. Director Brown seconded the motion, which passed unanimously (5-0), on a roll call vote. Chair Thomson stated that no action was taken during the Closed Session and only information was discussed that pertained to Acquisition of Real Property and Personnel Matters.

21. Unfinished Business

Director Eichenberg advised he was not present during **Item 16. Calabacillas Grade Control Structures 3a1, 3b1, and Associated Bank Protection – Project Update** due to having interest

AMAFCA Regular Meeting Minutes
January 26, 2023
Page 8

in some land in that area.

22. New Business

None.

23. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:21 p.m.

Elizabeth Newlin Taylor, Secretary – Treasurer, 2/23/2023

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.