



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**February 23, 2023**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 9:00 a.m., Thursday, February 23, 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 Bruce M. Thomson – at the AMAFCA building Director 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
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Directors excused:	None
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Attorney present via Zoom and /or in person:	William Zarr, Robles, Rael & Anaya – at the AMAFCA Building
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Others present via Zoom and / or in person:	Jerry M. Lovato, P.E., Executive Engineer Staff Other attendees on file at AMAFCA
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A quorum was present.

**2. Approval of Agenda**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, asked that Item **9.a. Financial Matters – Acceptance of Financial Information**, be deferred until the March meeting due to the need to revise Journal Entries and look at other information. He stressed money spent had been accounted for. He further stated that while the Legislative Liaisons would not be able to attend the Board meeting, he has some information to provide on Item **12.a. Briefing on the 2023 New Mexico Legislative Session**. Director Eichenberg asked that Item **7.I. Allaso at Journal Center 6 Apartments – Turnkey Project – Approval of Turnkey Agreement** be moved to the Regular Agenda.

Director Eichenberg made a motion to approve the Agenda, as amended. Director Brown seconded the motion, which passed (5-0).

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**3. Meetings Scheduled**

- a. March 23, 2023, 9:00 a.m. – Regular Meeting**
- b. April 27, 2023, 9:00 a.m. – Regular Meeting**
- c. May 25, 2023, 9:00 a.m. – Regular Meeting**

There were no changes to the dates.

**4. 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**

Chair Thomson made appointments to the following MRCOG Boards:

MRCOG Executive Board (AMAFCA FY 23): Director Ronald D. Brown  
Chair Bruce M. Thomson – alternate

MRCOG Board of Directors: Chair Bruce M. Thomson  
Director Ronald D. Brown – alternate

Middle Rio Grande Water Resources Board: Director Elizabeth Newlin Taylor  
Chair Bruce M. Thomson – alternate

Metropolitan Transportation Board: Director Orlando G. Martinez, Jr.  
Director Tim Eichenberg – alternate

Chair Thomson made appointments to the following AMAFCA Committees:

Personnel and Salary Committee: Chair Bruce M. Thomson  
Director Ronald D. Brown

Strategic Planning Committee: Director Elizabeth Newlin Taylor  
Director Tim Eichenberg

Financial Committee: Director Tim Eichenberg  
Director Ronald D. Brown

There was a brief discussion regarding the request at the January Board meeting to keep the same members on the Real Estate Committee. The committee members will remain the same.

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Real Estate Committee:

Director Elizabeth Newlin Taylor  
Director Ronald D. Brown

## 5. Items from the Floor / Public Comments

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

## 6. Approval of Minutes

### a. January 26, 2023

Director Taylor made a motion to approve the Minutes of January 26, 2023. Director Eichenberg seconded the motion, which passed (5-0). Attorney Zarr answered questions regarding his review of the minutes.

## 7. Consent Agenda

Chair Thomson referred to **Agenda Items 7.a. through 7.k.** on the Consent Agenda. Item 7.l. had been moved to the Regular Agenda earlier in the meeting. Chair Thomson recapped the Consent Items (which were shared on the SmartBoard for all participants to view). Director Brown made a motion that the Board accept the remaining items on the Consent Agenda.

The motion approved the following:

- Manual Trash Removal 2023 – Advertise for Request for Bids; and
- Manual Trash Removal 2023 – Advertise for Request for Bids; and
- 2023 ASFPM National Conference – Out of State Travel; and
- ASDSO Inspection & Assessment of Dams – Out of State Travel; and
- Hubbell Lake Dam Expansion Project – Amendment Two to the Professional Services Contract with Bohannon Houston, Inc. – Substantially as Attached; and
- Tijeras Arroyo Grade Control Structure Project – Professional Services Contract with AECOM, Inc. – Substantially as Attached; and
- Agency and Area-Wide 2023 Flood Control Rehabilitation – Professional Services Contract with Conley Engineering, LLC – Substantially as Attached; and
- AMAFCA Fleet – Dump Truck Purchase; and
- Lot 22, Block 3, Tract 3, Unit 2 of North Albuquerque Acres – Grant of Easement; and
- Lot 1, Block 14, Tract 3, Unit 3 of North Albuquerque Acres – Grant of Easement; and
- Lot 23, Block 18, Tract 1, Unit 3 of North Albuquerque Acres – Quitclaim of Easement.

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

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### 7.l. Allaso at Journal Center 6 Apartments – Turnkey Project – Approval of Turnkey Agreement

Mr. Jared Romero, AMAFCA Development Review Engineer, summarized information provided in the memo. Responding on what AMAFCA is doing for the entire region, Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, advised AMAFCA would utilize a Project Prioritization Schedule for the where, how, etc., and the capital program process would move items forward. Mr. Lovato stated this issue was taken to the State Legislature; however, there was no luck getting the project through. Responding to a question from the Board, Mr. Lovato stated that the bridge project is the responsibility of the City of Albuquerque (CoA).

Director Eichenberg made a motion to approve the Turnkey Agreement with Titan JC6, LLC for pipe penetration into the concrete section of the North Pino Arroyo in Journal Center associated with Allaso at Journal Center 6 Apartments – Substantially as Attached. Director Taylor seconded the motion, which passed (5-0).

### 8. 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 and current month and answered questions from the Board.

- **General & Administrative**

*Legislative Liaison:* Staff has been working with the legislative liaisons to provide information to the legislature concerning additional funding for the AMAFCA Office Rehabilitation Project. Commitments received were close to \$1M which is down from \$1.7M. AMAFCA should find out soon if anything was added or removed. AMAFCA will be looking at utilizing grant writers and seeking funding in the future as grant opportunities arise.

AMAFCA is looking at work on the Tijeras / Isleta Drain and a FEMA grant for the Hazard Mitigation Plan. Bernalillo County (BernCo) will be taking the lead on updating the Hazard Mitigation Plan document, which is due next year.

AMAFCA is pursuing federal funding for two projects that qualify for USACOE 593 funding. Projects are currently being evaluated to be sent to the delegation at the end of the month. AMAFCA's Federal lobbyist is working directly with Region 6 on possible funding.

*AMAFCA Staffing:* AMAFCA is currently advertising the Director of Finance and Procurement position and it is hoped to have the position filled soon. Staff is currently evaluating resumes and will start the interviewing process. AMAFCA extended job offers to two qualified applicants for the AMAFCA Maintenance position and it is hoped to have those positions filled soon.

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### **b. Notification of On-Call Services Task Orders**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the memo for task order issued last month. There were no questions.

## **9. Financial Matters**

### **a. Financial Matters – Acceptance of Financial Information**

The official report was deferred. Mr. Jerry M. Lovato, AMAFCA Executive Engineer, recapped some issues that were causing a delay in reporting. AMAFCA received the \$12M from the recent Bond sale for the Capital Program; there had been a couple projects delayed until the funding was received of which \$4.2M was booked immediately; there are approximately 62 ongoing projects with five managers; as of now there is approximately \$5.5M available that will go up to \$7M once AMAFCA receives from CNM its portion of the Calabacillas Project; CoA may add funding to their GO Bond program; AMAFCA is investigating all ongoing projects with CoA; may have some possible ways to close out pending CoA projects next month; and CoA had requested that in the future AMAFCA identify one or two projects to be completed within two years.

Item 10. AMAFCA FY22 ACFR – Public Presentation and Acknowledgement of Satisfactory Completion of the FY22 Audit was postponed until the presenter could log in via Zoom.

## **11. Legal**

### **a. Status Report**

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

## **12. Legislative Liaison**

### **a. Briefing on the 2023 New Mexico Legislative Session**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, advised that AMAFCA's lobbyists are working diligently regarding the Office of the State Engineer Bill as well as two procurement changes. AMAFCA is aware of a design build program that is thought to go forward even though there is push back; a procurement Bill is requesting the Chief Procurement Officer to approve any purchase over \$5K; and the PERA Bills are being watched. There was a brief discussion regarding Senate Bill 372, introduced by William E. Sharer, adding Storm Water Facilities to the Definition of "Municipal Utility" in the Municipal Code, which would indirectly impact AMAFCA, but not directly since AMAFCA is not a municipality; Mr. Kevin Troutman, AMAFCA Director of Administration, advised that he had participated in a GIS conference in the past that discussed Storm Water as a Municipal Utility; this is mainly in the mid-west; there is a fee attached; every single property would need to be surveyed along with other information that would be required that could not be easily automated; and assessed valuations are currently done by someone else in Albuquerque.

Item 10 was moved earlier in the meeting.

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

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, introduced Mr. A.J. Bowers with Carr, Riggs, and Ingram. Mr. Bowers answered questions from the Board and covered items such as: Audit Timeline; Auditor's Reports; Statement of Net Position; Statement of Activities, Auditor Responsibility; Management Responsibility; Other Matters to include importing the general ledger from Bill.com; and Concluding Comments. Mr. Lovato advised that the Bill.com program has an issue receiving credit card payments to AMAFCA so that function is not being utilized. The Board noted that they appreciated the experience and confidence of Carr, Riggs, and Ingram.

**13. Not Used**

**14. AMAFCA Projects**

**a. Calabacillas Arroyo West Branch Grade Control Structure 11 – Project Update**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered the location with before and after pictures; AMAFCA has billed CNM for close to \$1.7M for construction of grade control structures; the funding agreement is not being followed because CNM's position is that AMAFCA is providing a service to CNM and that should be paid for once the entire project is complete, which is contrary to the signed Joint Funding Agreement; the project should be complete by April 15, 2023; and AMAFCA still has obligations to meet and expects to be paid by CNM. The Board advised AMAFCA should add interest to the invoice due to the loss of funds that would otherwise be in the Local Government Investment Pool.

**b. Amole Dam Gravity Outlet – Project Update**

Mr. Bradley L. Bingham, AMAFCA Drainage Engineer, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered the location; BernCo will maintain the regional pond; covered the past issues due to the gated dam; the new project will connect storm drains by installing new pipe (old pipe will need to be broken); gate will stay open for discharge; and MRGCD will be able to use the water.

**c. Black Mesa Three Dam Outlet Project – Floodplain Restudy – Project Update**

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo. Part of the presentation covered the location; overall intent of the project; before and after pictures; AMAFCA and BernCo reanalyzed the mapped FEMA floodplains in and upstream of the project; various information pertaining to the old FEMA maps and current FEMA map standards were viewed; and approximately 350 buildings could be removed from the mapped FEMA floodplain. After a brief discussion, it was agreed that AMAFCA will send notifications to all property owners in the area that are in the floodplain.

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**15. 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.

**16. Real Estate**

**a. Resolution 2023-03, Acceptance of Quitclaim from the City of Albuquerque, Former Los Picaros Road**

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered a question from the Board.

Director Brown made a motion that the Board approve and adopt Resolution 2023-03, Acceptance of Quitclaim from the City of Albuquerque, Former Los Picaros Road, and authorize 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.

**17. 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 **Items 17.a.** and **17.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 17.a. and only Legal Counsel remained for Item 17.b.

Chair Thomson closed the meeting at 11:14 a.m. Chair Thomson asked for a motion to re-open the meeting at 11:59 a.m. Director Brown 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 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.

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**18. Unfinished Business**

None.

**19. New Business**

There was a brief discussion regarding Mr. Lovato retiring and the search for another Executive Engineer. It was agreed the Personnel and Salary Committee would take the lead on developing a process for selecting a new Executive Engineer. The Board agreed that the preference would be to review internal candidates, and if there was no success in an internal hire, AMAFCA would open the position for external candidates.

**20. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:03 p.m.

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Elizabeth Newlin Taylor, Secretary – Treasurer, 3/23/2023

*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.*