



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**April 27, 2023**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 9:02 a.m., Thursday, April 27, 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, which expired on March 31, 2023.

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

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**

Chair Thomson asked that **Item 7.c. Executive Engineer to approve Lot 14-A & 14-B, Block D, Tract 3, Unit 1 of North Albuquerque Acres – Vacation of Drainage Easement**, be moved to the Regular Agenda; Director Eichenberg asked that **Items 7.d. Mechanical Trash and Debris Removal from Flood Control Facilities 2023 – Award Contract to Qualified Bidder** and **7.e. Physical Trash and Debris Removal from Flood Control Facilities 2023 – Award Contract to Qualified Bidder** be moved to the Regular Agenda; and Chair Thomson asked that **Item 17.a. Consideration of Executive Engineer Employment Agreement** be moved to behind **Item 17.b. Consideration of Resolution 2023-06, Designating Executive Engineer.**

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

### 3. Meetings Scheduled

- a. **May 25, 2023, 9:00 a.m. – Regular Meeting**
- b. **June 22, 2023, 9:00 a.m. – Regular Meeting**
- c. **July 27, 2023, 9:00 a.m. – Regular Meeting**

Director Taylor advised she might not be available for the June meeting due to a conflict. There were no changes to the dates.

### 4. Items from the Floor / Public Comments

Mr. Nolan Bennett, AMAFCA Director of Operations, introduced Ms. Amanda Chavez and Mr. Juan “Diego” Miera, both AMAFCA Maintenance Workers, and Ms. Maria Zuniga, AMAFCA Director of Finance and Procurement. All three new employees summarized their background, experience, and expressed appreciation for the opportunity to come on board with AMAFCA. The Board welcomed Ms. Chavez, Mr. Miera, and Ms. Zuniga.

### 5. Approval of Resolution 2023-04, Open Meeting 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 allowance of Zoom and telephonic participation for Directors and the public.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-04, Open Meetings Standards, 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.

### 6. Approval of Minutes

- a. **March 23, 2023**

Director Taylor made a motion to approve the Minutes of March 23, 2023. Director Eichenberg seconded the motion. The motion passed unanimously (4-0). Director Martinez recused himself since he was not present.

- b. **March 30, 2023**

Director Taylor made a motion to approve the Minutes of March 30, 2023 from the Special Board meeting. Director Eichenberg seconded the motion. The motion passed unanimously (5-0).

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### 7. Consent Agenda

Chair Thomson referred to **Agenda Items 7.a. and 7.b.** on the Consent Agenda. Items 7.c. through 7.e. 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:

- AMAFCA Audit Services –Final Extension of Agreement with Carr, Riggs, and Ingram LLC; and
- Executive Engineer to approve Lot 31-A, Block 6, Tract 2, Unit 1 of North Albuquerque Acres – Grant of Easement.

Director Eichenberg seconded the motion. The motion passed unanimously (5-0).

Items 7.c. through 7.e. had been moved to the Regular Agenda earlier in the meeting.

#### **7.c. Executive Engineer to approve Lot 14-A & 14-B, Block D, Tract 3, Unit 1 of North Albuquerque Acres – Vacation of Drainage Easement**

A brief discussion took place regarding the long, skinny, narrow lot that would be divided into two one-acre parcels and the concern of the Board, that while not in the purview of AMAFCA, the lot size will constrain the ability to install an onsite wastewater treatment collection system (septic tank). Mr. Jared Romero, AMAFCA Development Review Engineer, advised Bernalillo County (BernCo) would allow the split of a subdivision up to three quarters of an acre, which is the limit on where traditional septic systems would fall, and any subdivision lower than the three quarters of an acre would require an advance treatment system on site. BernCo, through their Natural Resources Review and the Development Department, would be approving the septic tank(s).

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

#### **7.d. Mechanical Trash and Debris Removal from Flood Control Facilities 2023 – Award Contract to Qualified Bidder**

Ms. Adrienne Martinez, AMAFCA Engineer 1, summarized information provided in the memo. After a brief discussion noting that the equipment needed is specialized and bigger entities have the equipment, but it is not worth their time, the Board requested, as they have done with another contract in the past, a one-year agreement and AMAFCA would go out to bid as opposed to an extension of the agreement.

Director Eichenberg made a motion that the Board award the service contract for Mechanical Trash and Debris Removal from Flood Control Facilities 2023 to Southwest Sewer Service, noting AMAFCA will go out to Bid instead of an extension. Director Brown seconded the motion, which passed (5-0).

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### 7.e. Physical Trash and Debris Removal from Flood Control Facilities 2023 – Award Contract to Qualified Bidder

Ms. Adrienne Martinez, AMAFCA Engineer 1, summarized information provided in the memo. After a brief discussion, noting that AMAFCA could not do the work at the same cost as the contractor, the Board requested, as they have done in the past with another contract, to approve a one-year agreement and AMAFCA would go out to bid as opposed to an extension of the agreement.

Director Eichenberg made a motion that the Board award the service contract for Physical Trash and Debris Removal from Flood Control Facilities 2023 to Black Forest Tree Service, noting AMAFCA will go out to Bid instead of an extension. Director Brown 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**

*AMAFCA Staffing:* AMAFCA has a full staff of 26. AMAFCA had not been at full staff for four and half years. AMAFCA has hired our first female crew member in AMAFCA history, Ms. Amanda Chavez. Four new positions were added in FY23 that included Staff Directors, Engineer I, and an Engineer Tech. With the addition of the Engineer 1 and the Engineer Tech positions the FY24 budget will be modified such that funding from the stormwater quality program will be moved to salaries, due to work being brought in-house to help control costs.

*AMAFCA Land Use:* Staff evaluated possible land uses that would be permissible on AMAFCA rights-of-way and have evaluated agreements and associated costs that would allow alternative uses of AMAFCA property including the agreements for Balloon Fiesta. Staff anticipates bringing draft agreements to the Board for review at the May Board meeting.

*AMAFCA Office Rehabilitation Project:* AMAFCA received capital outlay funding for the project and the City of Albuquerque (CoA) is reviewing all building permit requirements. The Board authorized staff to move forward with the bidding of the project. Staff have identified three items that have long lead times and will ask that staff authorize pre-bid work to minimize the construction duration and possible interruption of office productivity. Items that staff are looking into for pre-bidding are outdoor lighting, security infrastructure, and HVAC systems.

- *Public Outreach:* AMAFCA attended a public meeting introducing the expansion of Hubbell Dam into the CoA's Hubbell Open Space. Chair Thomson and Director Taylor

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attended. The Board requested that AMAFCA and the consultant get the word out on public meetings sooner in order to allow more public participation.

### **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.

## **9. Financial Matters - Discussion**

Mr. Lovato introduced Mr. Robert Gonzales and Mr. Bobby Cordova with Cordova CPAs (Cordova). Mr. Gonzales recapped numerous items from the previous meeting. Some of the items at the current meeting included: Cordova is currently trying to catch up on bank reconciliations from July to December 2022; the next support role, which has changed, will have Cordova work on January 2023 to current on bank reconciliations, payroll, BILL.com expenditures, and other items that had not been posted due to no Director of Finance in position. Responding to questions on if there was any abuse or evidence of malfeasance, Mr. Gonzales advised that was not part of Cordova's scope and there are other outlets AMAFCA could pursue if they felt the need to do so. Mr. Lovato confirmed information in the software is posted to various spreadsheets (for tracking purposes). Mr. Lovato recapped the learning curve that will exist for the new Director of Finance and Procurement and the costs involved for training.

## **10. AMAFCA Board of Director's Election**

### **a. Resolution 2023-05 – Notification to County Clerk of AMAFCA positions to be filled at the November 7, 2023 Regular Local Election**

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo. Responding to a question on which District position would be on the Ballet, Mr. Troutman agreed a change would be needed on the resolution listing the District 5 position. The change would be made prior to Board signature.

Director Brown made a motion that the Board adopt Resolution 2023-05, Notification to County Clerk of AMAFCA positions to be filled at the November 7, 2023 Regular Local Election, as amended. Director Eichenberg seconded the motion, which passed unanimously (5-0).

## **11. Legal**

### **a. Status Report**

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

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### 12. Joint Projects – City of Albuquerque

#### a. City of Albuquerque Projects – Current Contract Review

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo and answered questions from the Board. Part of the presentation covered some of the following: October 2022, AMAFCA staff presented concerns with the proposed CoA 2023 General Obligation (GO) Bond Program and 2023-2032 Decade Plan; the same funding concerns have been brought back to the Board for discussion; and the City Council approved the 2023 GO Bond Program, which includes additional funding toward stormwater, but did not cover the existing anticipated obligations. AMAFCA staff sought guidance on how to proceed with several existing City agreements with specific focus on two agreements, the Design and Construction of the Region Flood Control and Water Quality Improvements at the Alcalde and Barelás Pumpstations and Funding for the Feasibility, Design, and Maintenance of the Dallas Storm Drain Regional Drainage Facility Zuni Site (known as the Zuni-Penn Pond).

### 13. AMAFCA Field Highlights

#### a. Field Report

Ms. Adrienne Martinez, AMAFCA Engineer 1, provided a report on various projects / events and answered questions from the Board.

#### b. Construction Report

Ms. Adrienne Martinez, AMAFCA Engineer 1, referred the Board to the Construction Report. There were no questions.

### 14. Recognition of Public Service

#### a. Recognition of Brad Bingham, Retiring AMAFCA Drainage Engineer

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, referred to the retirement of Mr. Bingham as a loss for Albuquerque. Mr. Bingham has been a great asset to AMAFCA, Albuquerque, and the engineering community.

Chair Thomson presented Mr. Bingham a plaque of appreciation from the Board and congratulated him on his upcoming retirement. Mr. Bingham thanked the Board and followed up with various sentiments about AMAFCA, stating that he would miss AMAFCA, and AMAFCA is the best job he ever had. The AMAFCA Board, Mr. Lovato, AMAFCA staff, as well as members of the audience, in person and via Zoom, all extended well wishes to Brad. Representative Cynthia Borrego acknowledged Mr. Bingham's retirement and advised she had approved \$67,778.00 from her Capital Outlay budget to help fund the AMAFCA Building Rehabilitation project. The Board thanked Representative Borrego for attending and helping support AMAFCA with the Building Rehabilitation.

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**15. AMAFCA FY-2024 Budget**

**a. Surplus Property Report**

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

**b. AMAFCA Equipment and Fleet Evaluation**

Mr. Nolan Bennett, AMAFCA Director of Operations, summarized information provided in the memo. There were no questions from the Board.

**Item 15.c. FY-2024 Revenue Projections had been removed earlier in the meeting**

**d. Draft FY-2024 General Fund Budget**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board noting that there would need to be an interim budget, to be sent by June 1, 2023, to the Department of Finance and Administration.

**Items 15.e. through 15.i. had been removed earlier in the meeting.**

Responding to a question on the budget process itself, Mr. Lovato stated that a Special Meeting could be called for the Board to approve the interim budget.

**16. Executive Session (closed)**

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

**b. Discussion of Threatened and Pending Litigation – Discussion (§ 10-15-1(H)(7))**

**c. Personnel Matters (§ 10-15-1(H)(2))**

Chair Thomson advised the only Agenda Items to be discussed under Closed Session would be **Item 16.a. Discussion of Acquisition of Real Property (§ 10-15-1(H)(8))** and **Item 16.c. Personnel Matters (§ 10-15-1(H)(2))**. **Item 16.b. Discussion of Threatened or Pending Litigation (§ 10-15-1(H)(7))** would not be discussed. 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 16.a. with only Legal Counsel remaining for Item 16.c.

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Chair Thomson closed the meeting at 11:29 a.m. Chair Thomson asked for a motion to re-open the meeting at 1:12 p.m. Director Eichenberg 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 during the Closed Session direction was given to the Real Estate Committee and Personnel Issues were given to the Personnel and Salary Committee.

**17. Personnel Matters**

**a. Consideration of Executive Engineer Employment Agreement**

The Board requested that this item be deferred to another meeting.

**b. Consideration of Resolution 2023-06, Designating Executive Engineer**

The Board requested that this item be deferred to another meeting.

**c. Consideration of First Amendment to “Executive Engineer Employment Agreement” with Jerry Lovato**

The Board requested that this item be deferred to another meeting. Attorney Zarr advised the Amendment could be modified.

Chair Thomson noted that in recognition of Mr. Lovato’s long-standing employment, the Board would allow \$10K (effective next pay period) to be added to his salary. Responding to a question on if Mr. Lovato would accept, he replied he would. The Board referenced the end date on his contract is the end of June.

**d. Consideration of Interim AMAFCA Organizational Chart**

The Board requested that this item be deferred to another meeting.

**18. Unfinished Business**

Chair Thomson inquired if **Resolution 2023-05 – Notification to County Clerk of AMAFCA positions to be filled at the November 7, 2023 Regular Local Election**, had been cleaned up for Board signature and was informed it was.

**19. New Business**

Director Martinez inquired about getting reimbursed for a conference in New York for Latino Elected Officials. The Board approved registration, air fare, hotel, meals, and taxi to be reimbursed.



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**20. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 1:19 p.m.

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Elizabeth Newlin Taylor, Secretary – Treasurer, 5/25/2023

*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.*