



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**May 25, 2023**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 9:09 a.m., Thursday, May 25, 2023, at the AMAFCA office in Albuquerque, NM.

Directors present via Zoom and / or in person: Chair Bruce M. Thomson – 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 Ronald D. Brown – at the AMAFCA building at 9:15 a.m.

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.

Chair Thomson addressed various concerns regarding the recent search for an Executive Engineer and issues brought to his attention. He stressed the Board was very impressed with both internal candidates who had applied for the position. A Special Meeting earlier in the month took place to continue negotiations with Mr. Nolan Bennett; however, Mr. Bennett withdrew, and the negotiations could not be finished. There were mistakes made by each side. The Board agreed with the Chair's statement and concurred that Mr. Jerry M. Lovato, AMAFCA Executive Engineer, had hired superb staff, and there is no concern regarding staff's performance and dedication. While still searching for an Executive Engineer, an Interim Director would be named, and the Board offered the position to Mr. Kevin Troutman, current AMAFCA Director of Administration. The Personnel and Salary Committee offered to meet with AMAFCA staff to put to rest various rumors, but the negotiation process would not be discussed.

**2. Approval of Agenda**

Chair Thomson requested Item **3.b. June 22, 2023, Board Meeting** be changed to June 29, 2023, at Valle de Oro Visitor Center; after a brief discussion Chair Thomson stated Item **6.c. Authorization to Advertise for Executive Engineer** would be removed from the Agenda; and Director Eichenberg asked that Item **20. Unfinished Business**, include a current Financial Status and possible payouts on vacation, etc., that would impact this year's budget.

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Director Eichenberg made a motion to approve the Agenda, as amended. Director Brown 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**~~  
**Changed to June 29, 2023, 9:00 a.m. – Regular Meeting at Valle de Oro Visitor Center - Ribbon Cutting / Catered Lunch (via invite) to follow adjournment**
- c. **July 27, 2023, 9:00 a.m. – Regular Meeting**

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

No items from the floor or public comments were received.

### 5. Approval of Minutes

- a. **April 27, 2023**

Director Taylor made a motion to approve the Minutes of April 27, 2023. Director Brown seconded the motion. The motion passed unanimously (5-0).

- b. **May 12, 2023**

Director Taylor made a motion to approve the Minutes of May 12, 2023. Director Brown seconded the motion. The motion passed unanimously (5-0).

### 6. Consent Agenda

Chair Thomson referred to **Agenda Items 6.a. and 6.b.** on the Consent Agenda. Item 6.c. had been removed from the Agenda earlier in the meeting. Director Brown 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:

- Design, Bidability, and Constructability Review – First Extension of Agreement with Salls Brothers Construction, Inc. and CF Padilla, LLC; and
- Executive Engineer to approve Amendment Four to the Agreement for Engineering Services for the Calabacillas Arroyo Grade Control Structures 3a1, 3b1, and Associated Bank Protection with Bohannan Huston, Inc.

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

### 7. Executive Engineer's Report

- a. **Notification of Past Month's Activities**

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Mr. Jerry M. Lovato, AMAFCA Executive Engineer, noted that the mailout did not contain the fact that Mr. Jared Romero had just passed his Professional Engineer exam. Everyone congratulated Mr. Romero. Mr. Lovato further stated Open Enrollment for medical coverage had begun and benefit packages had been mailed out.

Mr. Lovato referenced the memo which highlighted significant activities from the previous and current month and answered questions from the Board.

- **General & Administrative**

*AMAFCA Staffing:* Mr. Nolan Bennett, AMAFCA Director of Operations, announced his retirement from public service effective November 2023, with his last workday on June 16, 2023. The duties and responsibilities of the Director of Operations will be delegated to existing staff members. While this increased workload may lead to reduced efficiencies in certain areas, precautionary measures have been devised to ensure that AMAFCA's facilities maintain optimal operation throughout the monsoon season.

- **Governmental Affairs**

*AMAFCA Office Rehabilitation Project:* AMAFCA secured capital outlay funding for the project and is currently finalizing all building permit requirements. As previously reported to the Board, staff identified three items with long lead times, and next month Mr. Willie West, AMAFCA Real Estate Manager, will request permission to pre-bid the work. The pre-bidding will focus on outdoor lighting, security, and HVAC systems. The anticipated security needs are under \$20,000, which is within the Executive Engineer's authority.

- **Facilities, Operations & Maintenance**

*2023 Monsoon Season:* AMAFCA field staff and engineers have inspected sites to ensure AMAFCA staff can access roads and stockpiled materials. The AMAFCA flood control system is fully prepared to receive flows from the drainage systems of the City of Albuquerque (CoA), Bernalillo County (BernCo), and the New Mexico Department of Transportation, and should be able to efficiently convey those flows to the Rio Grande.

*Rio Grande High Water Event:* AMAFCA is in constant communication with the Middle Rio Grande Conservancy District (MRGCD) and is ready to provide emergency personnel and equipment if assistance is required. AMAFCA's crew is prepared to pump water out of retention ponds, remove sediment and debris, or undertake necessary facility repairs in response to the situation.

- 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.

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### 8. PSC recommendations

#### a. Personnel and Salary Committee – Personnel and Salary Committee COLA Recommendation for FY 24

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding the Federal Reserve and the differences between an increase on merit on base rate and Cost of Living Allowance (COLA) on current salary rate. Mr. Lovato recapped locally implemented COLAs: State 5%, CoA 3.5%, Albuquerque / Bernalillo County Water Utility Authority 2% plus \$750.00 after tax. The Personnel and Salary Committee recommended approving a COLA of three percent.

Director Brown made a motion to approve the Personnel Salary Committee COLA Recommendation (for AMAFCA Cost of Living Adjustment). Director Eichenberg seconded the motion, which passed (5-0).

#### b. Approval of Resolution 2023-07, Employee Compensation Policy

Mr. Kevin Troutman, AMAFCA Director of Administration, summarized information provided in the memo and answered questions from the Board. Mr. Troutman covered various issues, including the reassignment of various Drainage Engineer duties to the Director of Planning and Engineering; the job description for the Drainage Engineer has been redone to reflect current needs, which would mean a reduction in the base rate; issues AMAFCA has been experiencing trying to interview / hire maintenance staff considering the low salary rate; and referenced the scale utilized for merit increase(s). The Board advised the scale should be changed so all non-exempt office staff would be eligible for a 3-5% merit increase.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-07, Compensation Policy, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA, as amended. Director Brown seconded the motion, which passed (5-0), on a roll call vote.

### 9. Not Used

### 10. AMAFCA FY-2024 Budget Approvals

#### a. FY-2024 General Fund Budget for submittal to NM-DFA

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, along with Ms. Maria Zuniga, Director of Finance and Procurement, summarized information provided in the memo and answered questions from the Board. It was noted that the budgets for Fiscal Year 2024 are considered a draft until the NM Department of Finance and Administration has approved.

Director Brown made a motion to approve the FY-2024 General Fund Budget for submittal to the NM Department of Finance and Administration. Director Taylor seconded the motion, which passed (5-0).

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**b. FY-2024 Acquisitions & Savings Fund Budget for submittal to NM-DFA**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. There were no questions.

Director Brown made a motion to approve the FY-2024 Acquisitions & Savings Fund Budget for submittal to the NM Department of Finance and Administration. Director Martinez seconded the motion, which passed (5-0).

**c. FY-2024 Construction Fund Budget for submittal to NM-DFA**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered a question from the Board.

Director Brown made a motion to approve the FY-2024 Construction Fund Budget for submittal to the NM Department of Finance and Administration. Director Taylor seconded the motion, which passed (5-0).

**d. FY-2024 Agency & Area-Wide Fund Budget for submittal to NM-DFA**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. There were no questions.

Director Brown made a motion to approve the FY-2024 Agency and Area-Wide Fund Budget for submittal to the NM Department of Finance and Administration. Director Martinez seconded the motion, which passed (5-0).

**e. FY-2024 Debt Service Fund Budget for submittal to NM-DFA**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. There were no questions.

Director Brown made a motion to approve the FY-2024 Debt Service Fund Budget for submittal to the NM Department of Finance and Administration. Director Martinez seconded the motion, which passed (5-0).

**f. FY-2024 Fiduciary Fund Budgets for submittal to NM-DFA**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. There were no questions.

Director Taylor made a motion to approve the FY-2024 Fiduciary Fund Budgets for submittal to the NM Department of Finance and Administration. Director Martinez seconded the motion, which passed (5-0).

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**g. Resolution 2023-11, Budget Adoption for Fiscal Year 2024**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered a question from the Board. She stressed that the Analyst from the Department of Finance and Administration Budget is very understanding regarding the issues AMAFCA is facing at this time with catching up on old quarterly reports, as well as submittal of the draft Fiscal Year 2024 Budget. There was a brief discussion regarding the State of New Mexico's yield control versus how the AMAFCA Board tries to keep the Tax Levy low for taxpayers.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-11, Fiscal Year 2024 AMAFCA Budget, 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.

**11. Resolution 2023-08 – Ad Valorem Tax Levy for Tax Year 2023, Applicable to General Operating Fund**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered questions from the Board.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-08, Ad Valorem Tax Levy for Tax Year 2023, Applicable to General Operating Fund. 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 2023-09 – Ad Valorem Tax Levy for Tax Year 2023, Applicable to Debt Service Fund**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and advised this is the 24th year the AMAFCA Board of Directors has voted to not raise the Tax Levy.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-09, Ad Valorem Tax Levy for Tax Year 2023, Applicable to Debt Service Fund, 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.

**13. Legal**

**a. Status Report**

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

**14. Not Used**

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### 15. Joint Projects – City of Albuquerque

#### a. City of Albuquerque Projects – Draft Letter Notifications

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 the various issues that have been presented to the Board over the past few months regarding CoA's 2023-2032 Decade Plan for Capital Improvements, which does not address drainage needs or drainage deficiencies to the extent needed to ensure that AMAFCA constituents within city limits are protected to the best of CoA's ability. The Board discussed the amount of funds that the City could not collect due to CoA not having those properties on the tax rolls since 2006. It was noted that a meeting with the Mayor of Albuquerque and the Chief Administrative Officer is scheduled for June 8, 2023. AMAFCA should draft a letter to Mr. Patrick Montoya, CoA Director of Municipal Development, for the AMAFCA Chair to sign, which should discuss current contracts with CoA, along with how much AMAFCA has contributed to date, as well as the amount of AMAFCA funds obligated. The Board requested a copy of the letter be sent to Mayor Tim Keller, CoA Chief Admin Officer Lawrence Rael, and the City Council.

### 16. AMAFCA Field Highlights

#### a. Field Report

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

#### b. Construction Report

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

### 17. Real Estate

#### a. 2023 Balloon Fiesta Park License with the City of Albuquerque and Albuquerque International Balloon Fiesta, Inc.

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. He noted that the agreement with CoA was substantially complete. CoA had voiced concern regarding AMAFCA requiring Liability Insurance to be in place; however, everyone understood why it was needed by the end of the meeting. Mr. West asked that the Board consider the possibility of extending the current License, in the event a new one could not go through all legal channels, to include CoA signatures, prior to the CoA's July 4th Holiday celebration at Balloon Fiesta Park. That event that will include the lighting of fireworks as well as other various safety risks for which AMAFCA should not be responsible.

Director Brown made a motion that Board approve the License, substantially as attached, and authorized AMAFCA staff to modify the current license to include a one-month extension if the new agreement has not been completed by the City of Albuquerque in a timely manner. Director

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Taylor seconded the motion, which passed (5-0). The License with Albuquerque Balloon Fiesta, Inc. has been substantially completed.

### **b. Summary of Real Property Acquisition for the Southeast Valley Drainage and Stormwater Quality Management Plan**

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. The Board advised the information compiled was very well put together.

### **18. Executive Session (closed)**

#### **a. Personnel Matters (NMSA 1978, § 10-15-1(H)(2))**

Chair Thomson advised the only Agenda Item to be discussed under Closed Session would be Item 18.a. Personnel Matters (§ 10-15-1(H)(2)). 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 Personnel Matters. Director Martinez seconded the motion, which passed unanimously (5-0) on a roll call vote. Mr. Troutman and Legal Counsel remained.

Chair Thomson closed the meeting at 11:29 a.m. Chair Thomson asked for a motion to re-open the meeting at 12:10 p.m. Director Taylor made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (5-0) on a roll call vote. Chair Thomson stated that during the Closed Session only Personnel Matters were discussed.

### **19. Personnel Matters**

#### **a. Resolution 2023-10, Creation of the Temporary Position of Interim Executive Director**

Mr. Jerry M. Lovato, AMAFCA Executive Engineer, summarized information provided in the memo and answered a question from the Board.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-10, Creation of the Temporary Position of Interim Executive Director, 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.

#### **b. Designation of Interim Executive Director**

There was a brief discussion regarding Mr. Lovato being on regular payroll through July 7, 2023, and Mr. Troutman would take over full Interim Executive Director duties on July 8, 2023. The



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Board stressed that Mr. Troutman, as listed in Resolution 2023-10, would receive a 15% salary increase adjustment.

Director Brown made a motion that the Board designate Mr. Kevin Troutman as Interim Executive Director with the conditions called out in the Resolution. Director Taylor seconded the motion. The motion passed unanimously (5-0).

### **20. Unfinished Business**

Ms. Zuniga walked the Board through the Conceptual Board Program that she utilizes, concentrating on the timeline of past, current, and future items for the Financial system and where she is on the cleanup process. She answered questions from the Board including responding that she had not seen any irregular issues from staff pertaining to AMAFCA's financials, other than the extensive cleanup she was undergoing left from her predecessor. Mr. Lovato stated that Board could have a financial workshop in June, if they deemed one necessary. The Financial Committee agreed that it looked like things are being handled adequately and that it would be a waste of their time as well as Ms. Zuniga's to have a workshop at this time. The Board requested a full Financial Report at the June meeting. Ms. Zuniga advised she will get as much done as she can. The Board also requested the status on the possible purchase of additional property for the AMAFCA facility and made note that top-heavy retirements are happening which are huge obligation and asked to confirm that they could be paid out in the current fiscal year.

### **21. New Business**

None.

### **22. Adjourn**

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 12:39 p.m.

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Elizabeth Newlin Taylor, Secretary – Treasurer, 6/29/2023

*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.*