

AMAFCA Regular Meeting Minutes

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4. Items from the Floor / Public Comments

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

5. Approval of Minutes

a. July 27, 2023

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

6. Consent Agenda

Chair Thomson recapped Agenda Items **6.a. through 6.f.** on the Consent Agenda. The items were shared on the SmartBoard for all participants to view. Director Brown made a motion that the Board accept the items on the Consent Agenda. The motion approved the following:

- Grant of Utility Easements to the Albuquerque Bernalillo County Water Utility Authority for the West Side Raw Water Transmission Line Project (4 easements);
- Grant of Utility Easement to the Albuquerque Bernalillo County Water Utility Authority for the Corrales Well #2 at Swinburne Dam, substantially as attached;
- Waiver of Development Document Fees for the Ladera Dam 5 Diversion Project;
- Acceptance of Drainage Easement for Lot 23, Block 10, Tract 2, Unit 1, North Albuquerque Acres (NAA);
- Acceptance of Drainage Easement for Lot 14, Block 3, Tract 3, Unit 1, NAA; and
- Acceptance of Drainage Easement for Lot 31, Block 20, Tract 1, Unit 3, NAA.

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

7. Executive Director's Report

a. Notification of Past Month's Activities

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referenced the mailout which highlighted significant activities from the previous and current month and answered questions from the Board.

- **General & Administrative**

AMAFCA CPO: Ms. Maria Zuniga, AMAFCA Finance and Procurement Director, received her Chief Procurement Officer (CPO) certificate and has been designated the CPO (for AMAFCA).

Drainage Engineer: The Drainage Engineer position was advertised internally. Ms. Marie VanDerGeest accepted the position.

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AMAFCA Open Positions: Staff had made an offer for the Accounting Manager which has been accepted and it is hoped an offer for the Director of Operations position will be made soon.

- **Governmental Affairs**

Balloon Fiesta License: Staff is continuing to work with the City of Albuquerque (CoA) to finalize the licenses for Balloon Fiesta Park.

- **Planning, Engineering, & R&D**

Embudo Arroyo in I-40: On August 8, 2023, a decent sized storm went through the northeast heights causing a portion of the Embudo channel to break loose on the New Mexico Department of Transportation (NMDoT) section and become trapped on the San Pedro bridge pier, which caused a second-floor panel to become partially dislodged. Water scoured the south side of the channel and undermined the road causing the sink hole that had been on the news. Both AMAFCA and NMDoT staff met on site and AMAFCA offered suggestions. In 2019, AMAFCA staff identified a repair that would be needed near the area of the failure. It is unclear if that needed repair was the cause of the failure. A temporary repair has been done with NMDoT resources. NMDoT expressed interest in utilizing the Agency and Area-Wide contract for a more permanent channel replacement. The approximate cost for the new channel section is \$1.5 million.

Embudito Arroyo at Snowheights: CoA reached out to AMAFCA regarding damage to their Arroyo. Water was able to get behind the channel wall downstream of the bridge and buckled the channel wall. CoA was able to stabilize the site with their own crew. CoA is also looking to utilize the Agency and Area-Wide contract for a permanent repair.

Entities who utilize the Agency and Area-Wide agreement use their own funds for the repairs.

- **Facilities Operations & Maintenance**

Monsoon Readiness: Staff cleared their schedules for post-storm inspections the day after the big storm on August 8. There were no significant issues with AMAFCA facilities. Credit for this success goes to the AMAFCA maintenance crew, who make all the repairs to our facilities to keep them in working order. A lot of trash came down with the storm that has impacted AMAFCA facilities.

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

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referred to the memo for task orders issued over the last month. There were no questions.

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8. Financial Matters

a. Financial Matters – Acceptance of Financial Information

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered a question from the Board. Part of the presentation provided information on the General Fund Summary, Property Tax Revenue, and Vendor Payments & Detail. There was a brief discussion stemming from a question regarding breaking down the Budget by month for a straight-line 1:12 comparison and how utilizing that form of budget reporting could make it look like line items are overrunning the budget amounts. It was agreed that the reporting will be examined and the reporting methodology could be changing with the new accounting software.

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

b. Other Matters

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo. The Board asked that the Conceptual Report that is used in the PowerPoint presentation be made part of the Board mailout package.

c. Resolution 2023-16, Disposal of Inventory with Resale Value Greater than \$5,000.00

Mr. Kevin Troutman, AMAFCA Executive Director, summarized information provided in the memo and answered a question from the Board. There was a brief discussion regarding the various options to dispose of the items. Director Taylor noted that citation to Section 13-6, as referenced in the Resolution, was not complete and asked that the complete citation be added to the Resolution prior to signature.

Director Brown made a motion that the Board approve and adopt Resolution 2023-16, Disposal of Inventory with Resale Value Greater than \$5,000.00, as amended, 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.

9. Fourth Quarter Report

a. Resolution 2023-17, Fiscal Year 2023 AMAFCA Budget Adjustment for Fiduciary Fund Budget

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo.

Director Brown made a motion that the Board approve and adopt Resolution 2023-17, Fiscal Year 2023 AMAFCA Budget Adjustment for Fiduciary Fund Budget, and authorize the Chair and

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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.

b. AMAFCA Fourth Quarter Financial Report Ending June 30

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered questions from the Board. Responding to a question from the Board regarding the small amount in the Construction Fund, Ms. Zuniga advised the amount is small because money is transferred to the Local Government Investment Pool.

c. Approval of Resolution 2023-18, AMAFCA Fourth Quarter Financial Report Ending June 30

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

Director Brown made a motion that the Board approve and adopt Resolution 2023-18, AMAFCA Fourth Quarter Financial Reporting Ending June 30, 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.

There was a brief discussion to move both Items under Item 13 up so the presenters could present earlier.

Director Taylor made a motion that the Board move Item 13 Series 2023B Bond Sale – Introduction and 13.b. Draft of Resolution Notice of Bond Sale out of order for consideration before Item 10. Director Brown seconded the motion, which passed (5-0)

OUT OF ORDER:

13. Series 2023B Bond Sale - Introduction

a. Bond Sale Presentation by RBC Capital Markets

Mr. Erik Harrigan, Managing Director, RBC Capital Markets thanked the Board and answered questions. He advised he will be back at the September Board meeting for the authorization for the Sale of Bonds. The presentation included the following: History of Assessed Valuations; Tax Rate History; Current Outstanding Debt; Finance Plan; Time Schedule noting that mid-October is a good time to be selling bonds because fewer bonds are offered for sale nationally; Bond Sale is scheduled for October 18, 2023; and the Board will have the opportunity to participate, if they wish to do so.

b. Draft of Resolution Notice of Bond Sale

Mr. Peter Franklin, Attorney with Modrall Sperling, thanked the Board and recapped contents of the Draft Resolution. There was a brief discussion on when the Notice of Sale would happen and how it would be advertised. Director Taylor requested some changes to the Draft Resolution

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noting Board Meetings are now held in person and the time the meeting starts had changed as well. Responding to a request from the Board, Mr. Franklin advised he would let the Board know at the September Board meeting about what advertising options could be used for the Notice of Bond Sale.

Item 10. Personnel and Salary Committee was moved earlier in the meeting.

10. Personnel and Salary Committee

a. Modification to the Personnel Manual

Mr. Kevin Troutman, AMAFCA Interim Executive Director, summarized information provided in the memo. He stressed the modification clarifies that employees who are in Early Retirement mode are not eligible for a Cost-of-Living or Merit increase once their early retirement date has been scheduled. Responding to a question regarding accrued leave subsequent to an employee's official retirement, Mr. Troutman advised the employee(s) would be consuming their leave and would not be eligible to accumulate any leave.

Director Brown made a motion that the Board authorize a modification to the AMAFCA Personnel Manual to add "Employees in early retirement are not eligible for a COLA or merit increase" to the proper section in the Personnel Manual. Director Taylor seconded the motion, which passed (5-0).

11. Records Retention Policy

a. Draft Records Retention Policy

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. A Resolution to adopt the Policy will be presented at the September Board meeting.

12. Legal

a. Status Report

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

Items 13 and 13.a. had been moved up earlier in the meeting and taken out of order.

14. Joint Projects

a. Zuni-Penn Pond – Agreement for Funding, Design, and Maintenance with the City of Albuquerque – Approval of Supplemental Agreement 1

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, advised changes were made based on feedback from the Board at the July 2023 meeting. The changes were sent to CoA and

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the agreement is being worked through CoA channels. Responding to a question from the Board on the chance of the project being completed, Ms. Friedt stressed that it had been conveyed to AMAFCA that higher Leadership within CoA, had a handshake deal with the former Executive Engineer, for a certain dollar amount and not a 50/50 cost share. Ms. Friedt stressed to CoA staff that information (dollar amount versus 50/50 cost share) had not been presented to the AMAFCA Board and the Board would not be pleased with that opinion.

Chair Thomson and Vice Chair Brown wanted the record to reflect that the AMAFCA Board had always been clear that the cost share would be a 50/50 split. During meetings at the CoA building, between AMAFCA Directors of the Board and Senior CoA Management, earlier in 2023 pertaining to concerns with CoA's General Obligation Bond, the same cost share for a 50/50 split on the \$12 million, possibly more, had been discussed and CoA had noted that the proposed Bond Issuance had some areas where there could be modifications to cover any deficiencies.

Director Brown made a motion that the Board approve, substantially as attached, the Zuni-Penn Pond - Supplemental Agreement No. 1 to the Agreement for Funding the Feasibility and Design of the Dallas Storm Drain Regional Drainage Facility Zuni Site with the City of Albuquerque, Director Martinez seconded the motion, which passed (5-0).

b. Tijeras Arroyo Grade Control Structure (GCS 383) at West KAFB Boundary – Authorization to Negotiate 60% Engineering Design

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo. AMAFCA provided the 90% design for the perimeter Fence Out project for review to Kirtland Air Force Base (KAFB). KAFB had not responded with any feedback. KAFB was contacted regarding coordination for Environmental items and AMAFCA has not received any response. The 30% plans for the drop structure will be available for review in September. The Board was aware that the cost-share agreement that KAFB was offering was different than originally understood. Ms. Friedt advised she had asked KAFB on multiple occasions to put the funding understanding and their anticipated funding in writing. Unfortunately, at this time, nothing has been received. AMAFCA is at a point where the project needs to be put on hold pending a resolution or move forward. Mr. Troutman reminded the Board that the Debt Service Mill Rate would be impacted if AMAFCA funds the entire project and must wait for reimbursement. Fronting the entire cost would impact other projects that would be on hold. This could lead to possible issues with the NM Department of Finance and Administration (DFA) and DFA altering the Mill Rate. The Board agreed that Local Government Entities (in New Mexico) cannot fund that level of cost. Responding to a question from the Board on costs, Ms. Friedt noted the current financial agreement is \$625,000.00, of which KAFB has paid approximately \$130,000.00. With what is currently contracted out, AMAFCA is close to the \$625,000.00 total for the 30% Design. There have been no reimbursements from KAFB within the last year. The Board considered pulling the plug at 30%. Staff agreed given the current environment, pulling the plug on the project would be acceptable. The Board suggested that the agreement could be approved if KAFB pays all current invoices, KAFB provides written funding expectations, or the agreement be deferred until next month. Ms. Friedt stressed that concern regarding deliverables, KAFB's current funding, and what their funding would be are all issues. The Board asked that KAFB be invited to the next Board meeting. If KAFB does not attend,

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AMAFCA does not go past the 30%. If KAFB does attend, then a discussion can happen at the Board meeting.

Director Taylor made a motion to decline the approval by the Board to authorize AMAFCA to Negotiate 60% Engineering Design until the invoices submitted to Kirtland Air Force Base have been paid and are current and written funding expectations are received. Director Brown seconded the motion, which passed (5-0).

c. Barelas / Alcalde Pumpstation Regional Flood Control and Water Quality Improvements – Cancellation of Agreement with the City of Albuquerque

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo referring to the Cancellation Notification. It was noted that should CoA have a project in that location and have funding to partner with AMAFCA, at a later time, AMAFCA would be happy to address the project. The Board agreed that when CoA has the funding, AMAFCA will be a partner on the project. Chair Thomson mentioned some edits to the Cancellation Notification letter. Ms. Friedt advised changes will be made prior to signature.

Director Brown made a motion that the Board authorize the Chair to sign the cancellation notification letter, as amended, to cancel the Agreement for Funding the Design and Construction of the Regional Flood Control and Water Quality Improvements at the Alcalde & Barelas Pumpstations. Director Taylor seconded the motion, which passed (5-0).

d. Agency and Area-Wide Flood Control Maintenance – Approval of Agreement with the New Mexico Department of Transportation

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo. She stressed that the NMDoT had not responded back on comments to the agreement but are working it through their internal process. The Board asked that the comments Attorney Zarr has suggested earlier in the week be included in the final agreement to be signed by the Interim Executive Director and AMAFCA Board.

Director Brown made a motion to approve the Agreement, substantially as attached with AMAFCA Legal Counsel's recommendations, for Design, Construction, and Construction Engineering Services for the Agency and Area-Wide Flood Control Maintenance Contract with the New Mexico Department of Transportation. Director Taylor seconded the motion, which passed (5-0).

15. AMAFCA Field Highlights

a. Field Report

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, provided a report on various projects / events and answered questions from the Board.

It was suggested that a presentation be made at the New Mexico Dam Owners Conference to share the aftermath of the storm that impacted the NMDoT bridge on I-40. Ms. Friedt advised she would share the request with Mr. Tim Trujillo with NMDoT.

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b. Construction Report

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, referenced the Construction Report. There were no questions.

16. Stormwater Quality

a. NMED Primacy Discussion

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered a question from the Board. Part of the presentation covered the Rulemaking process; Phases 2-5; Capacity Building; NM Legislature appropriations and funding structure; Primacy; good news on Primacy is that the program will take a long time and so will the tracking; and closed with the bad news that Primacy will take a long time to find a fit for New Mexico.

17. Real Estate

a. Land Use Exemptions and Exceptions

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo. There were no questions.

b. City of Albuquerque – License Agreement for Balloon Fiesta Park – 30 Day Extension

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

Director Brown made a motion that the Board approve the additional 30-day extension of the 2019 Balloon Fiesta License with the City of Albuquerque for the Balloon Fiesta Park. Director Martinez seconded the motion, which passed (5-0).

18. Executive Session (closed)

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

Chair Thomson advised 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, to discuss Personnel Matters. Director Taylor seconded the motion, which passed unanimously (5-0), on a roll call vote. The Board asked Legal Counsel to remain, then Mr. Troutman would be called in at the applicable time.

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Chair Thomson closed the meeting at 11:45 a.m. Chair Thomson had to leave the Closed Session at 12:05 p.m. Vice Chair Brown asked for a motion to re-open the meeting at 12:28 p.m. Director Taylor made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (4-0) on a roll call vote. Director Taylor stated that during the Closed Session only Personnel Matters were discussed, and no action was taken.

19. Unfinished Business

None.

20. New Business

Mr. Troutman was thanked for the help from both Messrs. West and Romero who both had answered questions from the Board on various items in recent weeks.

21. Adjourn

There being no further business to come before the Board, Vice Chair Brown adjourned the meeting at 12:30 p.m.

Elizabeth Newlin Taylor, Secretary – Treasurer, 9/28/2023

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.