



Albuquerque Metropolitan Arroyo Flood Control Authority
Regular Meeting Minutes
September 28, 2023
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1. Call to Order and Roll Call

Chair Thomson called the Board Meeting to order at 9:01 a.m., Thursday, September 28, 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 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: Kevin Troutman, Interim Executive Director
Staff
Other attendees on file at AMAFCA

A quorum was present.

2. Approval of Agenda

Director Taylor made a motion to approve the September 28, 2023 Agenda. Director Brown seconded the motion. The motion passed unanimously (5-0).

3. Meetings Scheduled

- a. **October 26, 2023, 9:00 a.m. – Regular Meeting**
- b. **November 16, 2023, 9:00 a.m. – Regular Meeting**
- c. **December 14, 2023, 9:00 a.m. – Regular Meeting & Board Holiday Lunch**

Mr. Troutman stressed the December 14 meeting is a solid date due to the lead time needed to procure a tent. There were no changes to the dates listed.

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.

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Mr. Kevin Troutman, AMAFCA Interim Director, announced that AMAFCA had a new addition to staff. Ms. Maria Zuniga, AMAFCA Finance and Procurement Director, introduced Ms. Laurel Johnson, AMAFCA's new Accounting Manager, stressing she was more than thrilled to have her on staff. Ms. Zuniga updated the Board on her knowledge of working with Ms. Johnson during her tenure at Bernalillo County. Ms. Johnson thanked the Board and summarized her background, experience, and expressed her appreciation to AMAFCA to allow her the opportunity to come on board with AMAFCA. The Board welcomed Ms. Johnson.

5. Approval of Minutes

a. August 24, 2023

Director Eichenberg made a motion to approve the Minutes of August 24, 2023. Director Brown seconded the motion. The motion passed unanimously (5-0).

Director Eichenberg asked that Item 6.d. Swinburne Dam Grade Control Structures – Advertise Request for Proposals for Design and Construction Management Services, be removed from the Consent Agenda. He has some interest in the area and will recuse himself from voting.

6. Consent Agenda

Chair Thomson recapped Agenda Items **6.a. through 6.c. and 6.e. to 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, as amended. The motion approved the following:

- Ditch Safety Coordinator – First Extension of Professional Service Agreement with no increase to existing rates;
- On-Call Oblique Aerial Photography – Second Extension of Agreement with Eagle's Eye Photo;
- AMAFCA Building Expansion - Advertise Request for Proposals for Construction Management Services;
- Ladera Dam 5 Diversion – Accept two Drainage Easements; and
- Mid-Region Council of Governments – Memorandum of Agreement for 2024 Orthophotography, substantially as attached.

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

Item 6.d. Swinburne Dam Grade Control Structures – Advertise Request for Proposals for Design and Construction Management Services

Director Brown made a motion that the Board authorize AMAFCA to advertise for Request for Proposals for the Design Engineering and Construction Management Services for the Swinburne Dam Grade Control Structures. Director Taylor seconded the motion, which passed (4-0). Director Eichenberg had recused himself.

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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 Bond Program: AMAFCA met with a representative from Moody's to establish the bond rating. Directors Brown and Eichenberg, and AMAFCA's financial advisor were in attendance, as well as AMAFCA staff. AMAFCA no longer asks for a rating from Standard and Poor's (S&P) since they had categorized AMAFCA as a utility versus a Flood Control Authority. AMAFCA should receive the rating the first week of October. The Bond sale is scheduled for October 18, 2023 with the closing date set for November 15, 2023.

Project Engineer: The Project Engineer position was advertised internally. Ms. Adrienne Martinez has accepted the position.

Colorado Association of Stormwater and Floodplain Managers (CASFM) Annual Conference: The CASFM conference was attended by Messrs. Jared Romero and Kevin Troutman. The presentation on the Bureau of Reclamation Type VI stilling basin was well received. Staff is working on a presentation to the Board for next month. It was very apparent that there is a great amount of inter-agency coordination and equal footing participation in the state of Colorado versus what happens in the Albuquerque area. The Mile High Flood District in the Denver area was able to get a ruling on government-maintained stormwater facilities to be removed from the water rights requirements into the Colorado State Legislature. This is something that AMAFCA should be looking into even though it may have major hurdles to get passed. Responding to a question from the Board, Mr. Troutman stated there is a current issue with the Valle de Oro (VdO) Swale having ground water in the swale. Ms. Nicole Friedt, AMAFCA Planning and Engineering Director, stated the project was done in partnership with the State Land Office and AMAFCA just helped facilitate. The Office of the State Engineer had reported that a water right for evaporated water is needed. Chair Thomson asked for some information that he could utilize for his presentation to the Water and Natural Resources Commission on October 5, 2023 on Stormwater Capture.

- **Governmental Affairs**

AMAFCA Building Funds: New Mexico Department of Finance (DFA) notified AMAFCA that the State funds for the building remodel have been allocated. Staff is working with DFA to make the funding available for use when the building expansion is bid.

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Balloon Fiesta License: Albuquerque International Balloon Fiesta and AMAFCA staff have finalized the license for the use of AMAFCA properties during the Balloon Fiesta as well as any permanent structures placed on those lands.

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

Project Schedule: AMAFCA has started the process to update the project schedule. The revised schedule will reallocate the resources that were originally scheduled for projects that are no longer planned. Staff will be meeting with partner agencies and anticipate bringing the list before the Board next spring for review. The Board suggested that AMAFCA get with Alarid Consulting regarding capital outlay funding from Bernalillo County for AMAFCA. It was recommended to have conversations with Mr. John O'Donnell, AMAFCA's Federal Lobbyist, regarding possible federal funding.

- **Facilities, Operations, & Maintenance**

AMAFCA Maintenance: The AMAFCA maintenance crew completed the rebuilding of berms along the North Diversion Channel Outfall. Over the years, these berms became low enough that the intense storm in August pushed debris from the flow beyond the fence line. The maintenance crew has also been mowing the VdO swale at the request of the U.S. Fish and Wildlife Service.

- 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 and answered a question from the Board.

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 questions from the Board. The presentation changed to address some items that had been brought up by the Board. Ms. Zuniga covered the General Fund Budget to Actuals, Expenditures, Revenues, Property Tax Revenue, and Vendor Payments & Detail. She stressed the budgets were done on a prorated basis. It is anticipated the availability and flexibility of the reports would change once AMAFCA has fully migrated to the new financial system.

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

- b. Other Financial Matters**

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and answered a question from the Board. The Board appreciated the ConceptBoard information that was included in the mailout.

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c. Resolution 2023-19, Disposal of Inventory with Resale Value Greater than \$5,000.00

Mr. Kevin Troutman, AMAFCA Executive Director, summarized information provided in the memo noting that the Vehicle Identification Numbers (VIN) on the previous Resolution had been done in error. The Resolution before the Board had the correct VIN numbers. Resolution 2023-16 would be rescinded. Staff members are updating the inventory log so that is easier to read.

Director Brown made a motion that the Board approve and adopt Resolution 2023-19, Disposal of Inventory with Resale Value Greater than \$5,000.00, 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.

9. AMAFCA Bond Program

a. Bond Sale Presentation by RBC Capital Markets, LLC

Mr. Erik Harrigan, Managing Director with RBC Capital Markets, LLC thanked the Board and passed out his presentation. Mr. Harrigan updated the Board on the tax base; overview of outstanding debt; current market information; noted the last time AMAFCA had a Bond Sale, the Board had authorized the AMAFCA Chair and Vice Chair flexibility to schedule a Bond Sale; the current Resolution has the same language; the Bond Sale is schedule on October 18, 2023 since it may help to obtain a decent interest rate and will be held prior to the Federal Reserve announcement in November.

b. Approval of Resolution 2023-20, Notice of Bond Sale

Mr. Peter Franklin with Modrall Sperling (bond counsel) thanked the Board and advised the Resolution had no substantive changes since it was presented to the Board in August. Following up on a question from last month, he noted the Resolution still lists the Notice of Sale to be published in the Journal; however, AMAFCA is not obligated to publish it. After a brief discussion, the Board agreed that the wording should be left as is; publication in the Journal should not be done next year; and it was not worth changing at the present time.

Director Brown made a motion that the Board adopt Resolution 2023-20, Notice of Bond Sale. Director Martinez seconded the motion, which passed unanimously (5-0), on a roll call vote.

10. Not Used

11. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo and answered a question from the Board.

12. Joint Projects

a. Tijeras Arroyo Grade Control Structures – Project Update by KAFB

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, noted that AMAFCA had followed up with KAFB staff on several occasions to ensure they were aware that they had been invited to the September Board meeting to provide their perspective of the Project; a representative from Kirtland Air Force Base (KAFB) had advised that attendance at the AMAFCA Board meeting was not possible due to year-end processing (Federal year-end is September 30, 2023).

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 stressing that AMAFCA does have concerns with funding. Responding to a question from the Board regarding a low interest loan, both Mr. Troutman and Ms. Friedt had responded that a loan program may not work and after looking into funding sources it was apparent that they would not be a good fit. Doing a project on federal land is tricky and when obtaining a federal loan there is a requirement to have a local community partner maintain the facility. Ms. Friedt stressed AMAFCA had not wanted to maintain the property on KAFB. 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 DFA altering the Mill Rate. There was a brief discussion regarding the time limit that is associated with the contract; a delay for 90 days still presents a challenge; the engineering contract which could not authorize any further work; there is the agreement with KAFB that could be terminated with notification and 180 days; there have been delays in getting KAFB to review items sent their way; the structure is benefiting KAFB; having the project at KAFB has no direct benefit to AMAFCA or constituents; the benefits to AMAFCA could come in the future if AMAFCA is able to build the 15 grade control structures where AMAFCA has right-of-way, but now they are privately held with no granted easements; AMAFCA is out of pocket approximately \$400,000.00 in design costs that has not been reimbursed; there is a question about financial ownership and responsibility for work done prior to the current engineering contract for which AMAFCA did get reimbursed (approximately \$100,000.00 to \$150,000.00), including Conceptional Drawings, Initial Survey, etc.; should AMAFCA not be able to move forward, it is staff's intention to close the book on the project by finishing the current scope and provide the 30% design for the Fence Out project to KAFB to complete as they wish; the Board agreed that a special meeting with KAFB representatives could take place prior to the October 26, 2026 meeting; and KAFB could participate in person or via Zoom.

Director Eichenberg made a motion that the Board defer the authorization for the Interim Executive Director to negotiate with AECOM for an amendment to the Tijeras Arroyo Grade Control Structure (GCS 383) at West Kirtland Air Force Base Boundary Project contract for the 60% Design Services. Director Brown seconded the motion, which did not pass (0-5).

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Director Brown made a motion that the Board table the motion to authorize the Interim Executive Director to negotiate with AECOM for an amendment to the Tijeras Arroyo Grade Control Structure (GCS 383) at West Kirtland Air Force Base Boundary Project contract for the 60% Design Services. Director Eichenberg seconded the motion, which passed unanimously (5-0).

13. AMAFCA Offices Site Lighting Project – Award of Construction Contract to Qualified Bidder

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo and answered questions from the Board. There was a discussion regarding utilizing the Cooperative Educational Services (CES) program; the CES program was originally set up for schools and has opened up to government entities; AMAFCA Legal has been tasked with looking at the possibility of using CES; AMAFCA would need to apply and pay a fee; vendors are preapproved within the CES system; it is a price agreement system; the Board cautioned using a price agreement since the cost to the taxpayer can be way higher and a better price could be negotiated under an agreement; a building renovation is not a typical agreement in the CES system; if CES is utilized, AMAFCA would like to request four to six vendors to discuss the project and negotiate from there; AMAFCA would have the right to walk away; there is a possibility to use CES to get a list of vendors and go out to open bid at or around the same time; and considering the new process, the Real Estate committee would be consulted. The Board requested that AMAFCA initiate a process to go through CES, see about applying for the program. and put a request for action on the next Board meeting agenda.

14. 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.

b. Construction Report

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

15. Real Estate

a. Approval of Resolution 2023-21, Facility Usage and Reimbursement Schedule

Mr. Willie West, AMAFCA Real Estate Manager, summarized information provided in the memo. The Board agreed that the Resolution was a good attempt at cleaning up outdated information. There were no questions.

Director Brown made a motion that the Board adopt Resolution 2023-21, Facility Usage and Reimbursement Schedule, which repeals Resolution 2006-08. Director Taylor seconded the motion, which passed unanimously (5-0), on a roll call vote.

b. Approval of License with City of Albuquerque for Balloon Fiesta Park

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

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

16. 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 16.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 Martinez seconded the motion, which passed unanimously (5-0), on a roll call vote. The Board asked that Mr. Troutman and Legal Counsel remain.

Chair Thomson closed the meeting at 11:08 a.m. Chair Thomson asked for a motion to re-open the meeting at 11:47 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 during the Closed Session only Personnel Matters were discussed, and no action was taken.

17. Personnel Matters

a. Appointment of Interim Executive Director

Director Eichenberg made a motion that the Board redesignate Mr. Kevin Troutman as Interim Executive Director with the conditions listed in the memo. Director Martinez seconded the motion. The motion passed unanimously (5-0).

Responding to a question from the Board, Mr. Troutman replied that he accepted (the position).

18. Unfinished Business

None.

19. New Business

None.

20. Adjourn

There being no further business to come before the Board, Chair Thomson adjourned the meeting at 11:48 a.m.

Elizabeth Newlin Taylor, Secretary – Treasurer, 10/26/2023

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.