

AMAFCA Regular Meeting Minutes

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week of November. Director Taylor reminded the Board that she has a hearing in December and will not be able to attend the December meeting.

4. Items from the Floor / Public Comments

No items from the floor or public comments were received.

5. Approval of Minutes

a. September 28, 2023

Director Taylor made a motion to approve the Minutes of September 28, 2023. Director Brown seconded the motion. The motion passed unanimously (4-0).

6. Consent Agenda

Chair Thomson recapped Agenda Items **6.a. through 6.d.** 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:

- On-Call Geotechnical and Materials Testing Services – Second Extension of Professional Service Agreements with WSP and YeDoma Consultants, LLC;
- On-Call Land Survey Services – Second Extension of Professional Service Agreements with Bohannon Huston, Inc., Cobb Fendley & Associates, Inc., Souder, Miller & Associates, and Wilson and Company;
- Rutherford Property for an Agricultural Land Lease - Highest Bidder was Beal Farms; and
- Herring Property for an Agricultural Land Lease - Highest Bidder was Beal Farms.

Director Taylor seconded the motion. The motion passed unanimously (4-0).

The Board noted Mr. Willie West, AMAFCA Real Estate Manager, had made some suggestions to the Real Estate Committee; a great job was done advertising (lease of agricultural properties), AMAFCA sometimes received only one bid for a property lease; the suggestion of a five-year lease with a possible extension was approved; with these changes implemented AMAFCA received substantial rent for each of the properties; and a longer lease gives incentive to improve the property. Responding to a question from the Board on if a five-year lease was okay, Attorney Zarr agreed the lease terms are acceptable.

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.

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- **General & Administrative**

AMAFCA Bond Program: AMAFCA retained its Aaa rating from Moody's and the Bond Sale on October 18, 2023 was a success. Additional information was provided later in the meeting.

Accounting Software: AMAFCA started the migration to the new accounting software program. Staff is currently working on revising the chart of accounts to populate into the new system. This will also include a crosswalk from the old chart of accounts to allow for historical review within the system.

First Quarter Reporting: AMAFCA finished the necessary steps to close out the first quarter of Fiscal Year 2024. The first quarter report should be submitted to the New Mexico Department of Finance (DFA) on time.

Mailout for November and December: There is a possibility that the mailout item for finance in November and December will be late because the Board meetings will occur a week earlier than usual, reducing the time available to close the books for the prior month. This should not be construed as an issue with the finance information as it had been in the past.

After the Board mailout was sent, Mr. Troutman received a call from Mr. Terry Brunner, Metropolitan Redevelopment Agency Director, with the City of Albuquerque (CoA), regarding the Post Office Pond. CoA is moving forward on the Letter of Map Revision process as AMAFCA requested. CoA asked to utilize property on the AMAFCA office site to put up an electrical vehicle charging station. This would not be for Tesla. There is no room on the AMAFCA office property site but AMAFCA will work with CoA on another site to tie into the CoA Menaul Redevelopment Project.

- **Governmental Affairs**

ABCWUA Coordination: AMAFCA is continuing coordination with ABCWUA on creating a sanitary sewer overflow response. Staff from both agencies are planning to complete an onsite review of the response and pumping plans. This may become a full exercise depending on the level of practice that both agencies deem necessary.

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

Certified Floodplain Manager: Ms. Marie VanDerGeest passed the Certified Floodplain Manager (CFM) exam. AMAFCA now has a total of three CFMs.

Kirtland Air Force Base (KAFB): Directors Thomson and Brown, as well as AMAFCA staff, had a very productive and insightful meeting with staff from KAFB. Additional information was provided later in the meeting.

- **Facilities Operations & Maintenance**

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AMAFCA Internet: AMAFCA is currently working to increase internet speed and bandwidth to support the additional video conferencing that has become more routine. The change should also result in a cost savings. Staff is evaluating the possibility of replacing the current phone system in conjunction with this update. The existing system has reached the end of its design lifecycle.

AMAFCA Server Upgrade: Two of the AMAFCA servers have operating systems that Microsoft will no longer support. AMAFCA staff has been working with AMAFCA's IT consultant to develop a solution that will also reduce redundancy and equipment failures. The solution was to purchase one server and create three virtual machines to replace all AMAFCA servers. The former mapping server would then be used to back-up the primary server. Equipment is on site and the process of replicating the existing servers will begin at the end of the month. Staff does not anticipate any major interruptions to service. There should be very little isolated down time when the switchover occurs.

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.

8. Financial Matters

a. Financial Matters – Acceptance of Financial Information

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, along with Ms. Laurel Johnson, AMAFCA Accounting Manager, summarized information provided in the memo and answered questions from the Board. The presentation included General Fund Budget to Actuals; Revenues; Expenditures; Cash & Investments; Vendor Payments & Detail; and a new presentation on a Fund Recap. She stressed the budgets continue to be presented on a prorated basis. Responding to questions regarding most of the line items being almost 25% under budget and if there will be any surprises in the coming months, Mr. Troutman advised there are expected expenditures such as an upgrade of the mapping server, software licenses, concurred that a new employee would be coming on board, and three employees in early retirement that will be dropping off AMAFCA's employee list. The Board complimented Ms. Zuniga and Ms. Johnson on their presentations and voiced that the structure and clarity of the report was appreciated.

Director Taylor made a motion that the Board accept the Financial Information. Director Eichenberg seconded the motion, which passed (4-0).

b. Other Financial Matters

Ms. Maria Zuniga, AMAFCA Director of Finance & Procurement, summarized information provided in the memo and walked the Board through upcoming tasks within the ConceptBoard system. Responding to questions from the Board regarding the two financial programs being used, a brief discussion took place noting the old financial system (MIP) is still being used; work is being done with the new system to include configuration for the chart of accounts; staff is working to make sure functionality is going to work; training on the new system will take place; AMAFCA

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will transition across to the new system; in the month of January, both systems will be operating; the old system will be stopping in February; the new system will be implemented on February 1, 2024; five years of information from the old system will be brought forward to the new system; and currently, the reports are done in the old system with only a few manipulations so there is less chance of errors in the report.

c. AMAFCA 2023B Bond Sale Recap

Mr. Erik Harrigan, Managing Director with RBC Capital Markets, LLC, provided information on the Bond Sale that occurred on October 18, 2023. Mr. Harrigan summarized his report and noted seven bidders had been interested and TD Securities (USA) LLC was referenced as the winning bidder. Mr. Harrigan noted Mr. Peter Franklin with Modrall Sperlberg (bond counsel) was present. Responding to a question from the Board, Mr. Franklin stated that the information provided in the Board mailout turned into a public record once it was submitted to AMAFCA.

9. Employee Policies

a. Draft Remote Work Policy

Mr. Kevin Troutman, AMAFCA Interim Executive Director, summarized information provided in the memo and answered questions from the Board. There was a brief discussion regarding the draft being a framework for employees to remain productive; there are also cases of injury or minor illness that lead to times that they would not be able to come into the office; a framework is needed to assure constituents that AMAFCA is productive; most of the information in the draft policy came from the City of Rio Rancho; should an injured employee need to work remotely, they can be on ad hoc remote that would not be a scheduled remote and would not be continuous; it was suggested by the Board that the Policy reference that the use of IT equipment and software should include that AMAFCA can add monitoring software to the computer; it was also suggested that the employee is to be reachable via cell or text within 30 minutes; the new phone system would enhance the transferring of an incoming call to an employee's cellphone; there could be an added expense should AMAFCA provide an additional laptop; AMAFCA files are not to be downloaded to a personal computer; AMAFCA is looking to expand software; the Zoom subscription may be enhanced for more remote participation; there is no written agreement at this time for any employee working remotely; the policy can include an agreement; and the policy would rely on supervisor controls. The Board advised that the policy was a great suggestion, it provided flexibility, and Mr. Troutman should work with the Personnel and Salary Committee to finalize.

10. Legal

a. Status Report

Attorney William Zarr summarized information provided in the memo. There were no questions. He informed the Board that the law offices of Robles, Rael, and Anaya had moved to another location downtown at the Gallery Plaza.

11. Joint Projects

a. Kirtland Air Force Base Drop Structures – Project Update

Ms. Nicole Friedt, AMAFCA Director of Planning & Engineering, summarized information provided in the memo and answered questions from the Board. A meeting was held at the AMAFCA office on October 18, 2023. In attendance, representing the United States Air Force on KAFB were Mr. Jason Underwood, Staff Civil Engineer, Mr. Bo Bohannon, Engineering and Construction Branch Chief Air Force Civilian Service, and Mr. Gary Schneider, Director of Public Works, as well as Directors Thomson, Brown, and AMAFCA Staff. The topics discussed included the lack of timely payments of expenditures by KAFB; delay of responses back to AMAFCA from KAFB; design criteria for the structure; funding; a redirection of the scope was brought up; the reasoning for the shape was brought up which caught AMAFCA by surprise since it was directed by KAFB; KAFB may want to change the configuration to not be a 10-foot tank-proof drop; AMAFCA advised if the design changed, it would be a fundamentally redesigned project and would start over, other than the survey and geotechnical information that had already been obtained; KAFB had originally communicated in the meeting that the funding would be a 60/40 split and by the end of the meeting it was a lot more nebulous and there was not a commitment from KAFB on funding. Mr. Troutman advised the Debt Service Mill Rate would be impacted if AMAFCA funds the entire project (approximately \$24,000,000.00) 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; a security feature on KAFB is not a flood control facility and there may be a question whether AMAFCA could do the project with Bond funding; and the project is on KAFB, which is Federal land outside of AMAFCA's jurisdiction. It was noted by the Board that the meeting was interesting and referenced the interesting dynamic with the KAFB Civil Engineer (CE) being a retired Colonel who is used to command. It was opined that the CE was not aware of all the dimensions that introduced the complexities; that the design was for a tank-proof structure that is 10-foot tall; KAFB is a year behind in paying AMAFCA; was not aware prior to the meeting the downstream drop structure did not provide any benefit to AMAFCA since the downstream channel is pretty well established and protected by other features; and that the CE felt that there were other opportunities for KAFB to come up with other funding; and that the recommendation from the meeting was AMAFCA would ask the consultant to complete the present design task. Ms. Friedt continued noting that the consultant had been tasked for the 30% design set which should be ready mid-November; the 30% design set will then be distributed to KAFB; taking into consideration the upcoming Holidays, AMAFCA will coordinate a meeting to sit down with KAFB after the New Year to discuss the path forward and what it would look like; the outstanding funds are \$214,566.00 from the past year; the next quarter will be invoiced for \$150,844.00; and KAFB advised they would try to expedite the reimbursement process from months down to six to eight weeks. The Board advised it was a good meeting from AMAFCA's prospective; things were out on the table; everyone was cordial; it is hoped things would move forward; and revisiting the project in January is a good idea. Ms. Friedt stated that once AMAFCA and KAFB have the discussion on how the project will move forward, staff will ask the Board for clear direction on their willingness and financial commitment to the project, so AMAFCA can establish what the cost share, if any, is for the project moving forward.

12. AMAFCA Projects

a. Agency and Area-Wide XI – Award of Construction Contract

Ms. Adrienne Martinez, AMAFCA Project Engineer, summarized information provided in the memo and answered questions from the Board. Responding to a question from the Board regarding the big differential amount between the two bidders, Mr. Kevin Troutman advised AMAFCA had seen a lot of variations in concrete costs recently, which also impacted the bids for this project.

Director Brown made a motion that the Board award the construction project to Salls Brothers Construction, Inc., in the amount of \$2,561,209.70, plus NMGRT, for the Agency and Area-Wide Flood Control Rehabilitation XI Project. Director Eichenberg seconded the motion, which passed (4-0).

b. AMAFCA Storm Drain Outfall Standard Design – Project Summary

Mr. Jared Romero, AMAFCA Development Review Engineer, introduced Mr. Stu Trabant, Project Manager with Bohannon Huston, Inc (BHI). Mr. Trabant advised that the objective of the project was to come up with an alternative to the Bureau of Reclamation's Type VI basin. AMAFCA has had significant maintenance difficulties with the end sill ponding nuisance water and AMAFCA having to manually clean the area behind the hanging baffle wall that traps significant floatable debris. The presentation focused on the current applications; the problem (as referenced above); objectives; approach; modeling phases 1, 11, and 111; alternatives (phase 1); analysis (phases 1, 11, and 111); solution (phase 111); and outcome. Responding to a question from the Board regarding AMAFCA having any prototypes in design for the features, Mr. Romero advised that this type of scenario could have been used for the City of Rio Rancho's Los Diamantes project. Mr. Craig Hoover, Senior Vice President with BHI, referenced a Department of Transportation project on the Animas River in Farmington, that BHI as the consultant, is doing that would utilize an alternative as presented. The Board asked for pictures of that project once completed.

c. North Domingo Baca Dam Expansion – Project Completion

Ms. Adrienne Martinez, AMAFCA Project Engineer, summarized information provided in the memo, covered various pictures and videos, and answered questions from the Board. Ms. Martinez also thanked the consultant, Wilson and Company, and the project construction contractor, Compass Engineering, for their hard work on the project. This project ran concurrent with the Bernalillo County (BernCo) Ben Griener Park improvements project, which resulted in minimal conflicts.

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13. 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.

14. Stormwater Quality

a. Annual Report Update

Mr. Patrick J. Chavez, AMAFCA Stormwater Quality Engineer, summarized information provided in the memo and answered questions from the Board. The presentation covered timelines for the Municipal Separate Storm Sewer System (MS4) Annual Reports and Stormwater Management Plan updates; draft document cover page and the Impairments form; dry weather sampling by Bosque Ecosystem Monitoring Program (BEMP); and wet weather sampling parameters for the compliance monitoring cooperative (CMC).

15. Executive Session (closed)

a. Threatened or Pending Litigation (§ 10-15-1(H)(7))

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

Chair Thomson advised Agenda Items to be discussed under Closed Session would be Item 15.a. Threatened or Pending Litigation (§ 10-15-1(H)(7)) and 15.b. Personnel Matters (§ 10-15-1(H)(2)). The meeting was at the AMAFCA building with four Directors in attendance. Director Taylor 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 Threatened or Pending Litigation and Personnel Matters. Director Brown seconded the motion, which passed unanimously (4-0), on a roll call vote. The Board asked that Messrs. Troutman and West, along with Legal Counsel, remain for Item 15.a. Only Mr. Troutman and Legal Counsel remained for Item 15.b.

Chair Thomson closed the meeting at 11:25 a.m. Chair Thomson had to leave the Closed Session at 12:13 p.m. Vice Chair Brown asked for a motion to re-open the meeting at 12:37 p.m. Director Taylor made a motion that the meeting be re-opened. Director Eichenberg seconded the motion, which passed unanimously (3-0) on a roll call vote. Vice Chair Brown stated that during Item 15.a. a discussion took place with AMAFCA’s Attorney regarding consideration of action that might be taken. For Item 15.b. only Personnel Matters were discussed, no action was taken, and the item may be addressed at the next meeting.

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16. Unfinished Business

None.

17. New Business

Responding to questions from the Board regarding AMAFCA's work pertaining to a permit coming through Bernalillo County, there was a brief discussion regarding the property owner's engineer not addressing all of AMAFCA's comments regarding the site development plan; the property owner is trying to modify the floodplain and the flood conveyance; there is concern regarding maintenance, materials, and what can go in that conveyance; AMAFCA responded to comment disposition from the property owner's engineer on some comments made; AMAFCA had not received any comments back from the property owner's engineer; it the engineer's responsibility to take all of the information back and discuss with the property owner; they decide how they choose to address those comments; AMAFCA's reviews are concurrent with BernCo and have been discussed with the individual reviewing for BernCo; AMAFCA is only enforcing BernCo's ordinance; AMAFCA's comments are included in the official comments distributed by BernCo; the hold up is with the engineer that has been hired; BernCo and AMAFCA try to have comments returned in a timely fashion; once those comments are transmitted to the engineer it is in their hands how quickly they respond; and AMAFCA has seen responses ranging from within a week, to months, and have some that take years.

18. Adjourn

There being no further business to come before the Board, Vice Chair Brown adjourned the meeting at 12:42 p.m.

Elizabeth Newlin Taylor, Secretary – Treasurer, 11/16/2023

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.