



**Albuquerque Metropolitan Arroyo Flood Control Authority**  
**Regular Meeting Minutes**  
**December 14, 2023**  
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**1. Call to Order and Roll Call**

Chair Thomson called the Board Meeting to order at 9:08 a.m., Thursday, December 14, 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

Directors excused:                      Director Elizabeth Newlin Taylor

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 Brown made a motion to approve the December 14, 2023 Agenda. Director Eichenberg seconded the motion. The motion passed unanimously (4-0).

**3. Meetings Scheduled**

- a. December 19, 2023, 9:00 a.m. – Special Meeting**
- b. January 2, 2024, 9:00 11:00 a.m. – Special Meeting**
- c. January 25, 2024, 9:00 a.m. – Regular Meeting**
- d. February 22, 2024, 9:00 a.m. – Regular Meeting**

The January 2, 2024 Special Meeting will be a short meeting to swear in Director Thomson, who was re-elected in November 2023. The time was changed to 11:00 a.m.

**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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### 5. Approval of Minutes

#### a. November 16, 2023

Director Brown made a motion to approve the Minutes of November 16, 2023. Director Eichenberg seconded the motion. The motion passed unanimously (4-0).

### 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 Eichenberg made a motion that the Board accept the items on the Consent Agenda. The motion approved the following:

- On-Call Real Estate Appraisal Services – Second Extension of the Professional Service Agreement with PinnacleWest Investments;
- Federal Legislative Liaison / Lobbyist Services – Second Extension of the Professional Service Agreement with HROD, Inc.;
- On-Call GIS and Technology Support Services – Agreement with Stantec Consulting Services, Inc.;
- On-Call Engineering Services – Agreements with AECOM Technical Services, Inc.; Bohannon Huston, Inc., Conley Engineering, LLC, Daniel B. Stephens & Associates, Inc., Molzen-Corbin & Associates, Inc., Parametrix, Inc., Tetra Tech, Inc., and Wilson & Company, Inc.;
- Vegetation Management – Advertisement for Bids; and
- Lot 22, Block 10, Tract 2, Unit 1, North Albuquerque Acres Subdivision – Accepted Grant of Easement.

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

### 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.

*Staff Engineer Position:* The Staff Engineer position is currently advertised. This position will report to the Director of Operations.

*Capital Outlay:* AMAFCA has transitioned through three to four individuals at the Department of Finance Administration as their staffing issues continue. AMAFCA finally made a stable contact regarding the Capital authorized in the last legislative session for the AMAFCA building renovation. Staff hopes to have these funds transferred soon.

*AMAFCA Desktop Computer Upgrades:* AMAFCA identified a hardware issue affecting all staff computers. Software updates are moving in a direction that requires the read/write

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speeds of solid-state drives. When computer upgrades were ordered last, AMAFCA kept the older hard disk drives as they were less expensive but had a lower read/write rate. Disk utilization often spikes to 100%, rendering the computer unresponsive for several minutes. Startup times often exceed 10 minutes with continued degradation. Staff is looking to utilize the non-reoccurring revenue from our investment sources for a one-time early replacement of all staff computers with functional systems. The replacement schedule for these machines would be budgeted over the next several years with the usual transfers to the Acquisitions and Savings fund, as AMAFCA has done in the past. The Board requested that one computer be purchased to make sure it will operate as it should prior to purchasing the remaining computers.

*AMAFCA Phone System:* Staff identified at least one cell phone tower operated by T-Mobile produces inbound calls that are unintelligible.

*AMAFCA Server Replacement:* AMAFCA has migrated to the new server and everything is running. The three servers have been converted to a single in a neutralized environment and the old mapping server will be configured for a backup server.

*Post Office Pond:* The Letter of Map Revision (LOMR) for the Post Office Pond site is working through the City of Albuquerque (CoA) process and is nearing the point for submission to the Federal Emergency Management Agency (FEMA). Staff is reviewing the agreement for the pond in preparation of the next steps.

*Statewide MS4 General Permit:* Mr. Patrick Chavez, AMAFCA Storm Water Quality Engineer, prepared a memo regarding the reissuance of the Statewide MS4 General Permit. Reissuance of this permit will most likely clear the path forward for the reissuance of the Middle Rio Grande Watershed Based Permit. One of the most likely outcomes is an increase in the sampling requirements. If these changes are realized, there will be additional costs for the required sampling that will impact future budgets. Responding to why reissuance of the statewide permit impacts AMAFCA, Mr. Chavez stated the communication received, relative to the Los Alamos MS4 permit, stated there would be a soon to be released Statewide MS4 permit, which is now under a 90-day comment period, and AMAFCA's comment period might come in the next six months.

Not listed on the memo is that Multi Factor Authentication for Microsoft programs is coming out and access to AMAFCA emails may require MFA.

Responding to a question from the Board regarding a property in North Albuquerque Acres, Mr. Troutman advised that staff had met with the property owner, the owner's engineer, and Bernalillo County (BernCo) staff. It is believed everything is sorted out with the layout of the lot, which has an issue with the floodplain on the lot and the house being situated in the floodplain. The floodplain needs to be moved which means the process the homeowner needs to follow would be the submission of a Condition of a Letter of Map Revision (CLOMR), then construction of infrastructure to move the floodplain, submission of the LOMR, then grade work for the house can start, the approval of the CLOMR would be on FEMA's timeline and the items are not in control of AMAFCA or BernCo. Responding to a question from the Board on the owner being willing to move their house, Mr. Troutman advised it is the property owner's right to do the work. He noted

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that BernCo is understaffed as well. Responding to questions on the Zuni-Penn property, Mr. Troutman advised the CoA Bond passed, AMAFCA can move forward once funds are made available to AMAFCA, and the Design is 90% complete.

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

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referred the Board 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; Fund Recap; and new graphs.

Director Brown made a motion that the Board accept the Financial Information. Director Eichenberg seconded the motion. The motion passed unanimously (4-0).

### **b. Other 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. Ms. Zuniga advised that AMAFCA is waiting for the Audit Opinion Letter from the Auditor. AMAFCA will be asking for an extension for the Annual Comprehensive Financial Report (ACFR) to include that letter.

## **9. 2023 General Election**

### **a. Results of 2023 AMAFCA Board of Directors Election**

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referenced the mailout showing Chair Thomson was reelected.

## **10. AMAFCA Inventory**

### **a. Authorization to Remove Items from Inventory**

Mr. Kevin Troutman, AMAFCA Interim Executive Director, referenced the memo noting the computers listed are old. Responding to a question regarding donating to another entity or school, Mr. Troutman advised the computers are so old they are no longer useful /operating, and the operating systems had been erased.

Director Brown made a motion that the Board approve the deletion / removal of the seven computers from AMAFCA's Inventory. Director Martinez seconded the motion, which passed unanimously (4-0).

**11. Legal**

**a. Status Report**

Attorney William Zarr referred the Board to the memo and answered questions from the Board regarding an appeal to the Supreme Court by CoA regarding the homeless suit that AMAFCA is not a party to.

**12. Legislative Liaison**

**a. Briefing before 2024 New Mexico Legislative Session**

Mses. Vanessa Alarid and Skye Devore recapped information provided in the handout to the Board and answered questions. Part of the presentation covered dates for legislation to be pre-filed; opening day of session; deadline for introduction, session ends; no Governor action / pocket veto; effective date of Legislation; estimated funding available for legislators to use; new money coming in came from oil and gas revenues and a lot of consumer spending and employment demand; the State has a high level of staff vacancies; legislative priorities; Capital Outlay; and items pertaining to the Office of the State Engineer. Responding to a question regarding changing water rights if stored for stormwater capture, Ms. Alarid said she had heard some things regarding stormwater capture and in the Oil and Gas Act regarding cleaning the water and noted that water would then go back to State water. The Board requested that Ms. Alarid keeps them updated. Responding to a question regarding USA Today showing Albuquerque ranked 11 out of 25 of the worst cities, Ms. Alarid advised she had heard from developers that crime is definitely an issue they have been reporting. Responding to questions from the Board on AMAFCA's Capital Outlay priorities, Mr. Troutman advised right now AMAFCA is focusing on equipment this fiscal year, Ms. Friedt had changed the Project Schedule timeline which will make the Project Schedule available for adoption by the Board and to DFA and Legislators in the summer which is sooner than previous years. Responding to whether AMAFCA should ask for more Capital Outlay for the Building Remodel, it was noted that depending on the contractor's schedule, the project could be done before AMAFCA receives the money. Ms. Alarid advised if AMAFCA wanted to see about getting more Capital Outlay for the building, the money could be banked.

**13. Joint Projects**

**a. Authorization to Terminate Agreement with Kirtland Air Force Base for the Repair of Flood Control Structures on the Tijeras Arroyo**

Mr. Kevin Troutman, AMAFCA Interim Executive Director, and Ms. Nicole Friedt, Director of Planning and Engineering, answered questions from the Board. Part of the presentation and discussion included AMAFCA had found out Kirtland Air Force Base (KAFB) had de-obligated funding for the project through an email sent in error; the original cost estimates for the structures were, at that time, between \$10-12 million, now up to \$24 million; AMAFCA's mill rate is still a concern; invoiced amounts versus the limited amounts reimbursed to AMAFCA. Based on an unintentionally forwarded internal email communication from KAFB, it appears that lack of activity was the reason for removal of funding; there is increased scrutiny on AMAFCA's management of the project and tasking of the design engineering firm in order to reduce the financial requirements of KAFB; AMAFCA staff has low confidence that expended funds will

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ever be recouped; KAFB staff has taken to personal insults of AMAFCA staff and accidentally emailed them to AMAFCA; KAFB's civil engineer has offered an apology to staff, but the relationship remains strained; AMAFCA had invoiced KAFB and made many follow-up attempts; AMAFCA was consistent with quarterly invoicing, per the request of KAFB; there are a number of red flags with this project; AMAFCA staff has continuously tried to get reimbursed for monies owed; AMAFCA staff recommended termination of the contract; and the question was raised whether AMAFCA could ask for help or copy the Legislative Committee / Senator Henrich's office. Responding to a request from the Board that AMAFCA continue to invoice for the monies owed, Mr. Troutman advised that was AMAFCA's intention and not just walk away without getting paid, since the KAFB funds were de-obligated, there is the concern federal funding might not be available for the next funding year; and should KAFB and AMAFCA decide to keep doing the project another contract would need to be done listing clear funding requirements. Attorney Zarr suggested that, while not a requirement, should the Board decide to terminate the agreement, the termination could set forth some of the reasons that AMAFCA would pursue termination. Mr. Troutman stated the lack of payment and lack of responses from KAFB is the driving force behind termination, which shows the track record and the violation of the contract. When going to a higher level, it would help to mention the good experience and relationship between KAFB and AMAFCA regarding the previous project and referring to such in any letter regarding termination of the agreement. KAFB had been invited to past meetings and have shown unwillingness to communicate. It was asked again if AMAFCA should involve or just copy higher entities to include KAFB Commander, the Secretary of the Air Force, and New Mexico's Legislative Committee / Senator Henrich's office. Attorney Zarr recommended that when the Board takes action during the Special meeting or when Election of Officers happens in January, a letter could be available at that time, to terminate the agreement.

Chair Thomson asked that the record reflect that since the earliest discussions of this project, the AMAFCA Board of Directors was led to believe that KAFB would pay the full costs of the design and construction of the grade control structures. AMAFCA would front the costs but be reimbursed for all costs. Apparently not in writing, but that was the Board's understanding, and was part of the justification for approval of the KAFB project approximately three years ago.

Director Brown made a motion that the Board authorize the Interim Executive Director to terminate the agreement, followed by a letter of explanation that is approved by the Board, per section 5.5. Termination of Agreement. Director Eichenberg seconded the motion, which passed (4-0).

### **14. AMAFCA Projects**

#### **a. Construction Report**

Ms. Adrienne Martinez, AMAFCA Project Engineer, referenced the Construction Report. There were no questions.

### **15. AMAFCA Field Highlights**

Ms. Paula Dodge-Kwan, AMAFCA Director of Operations, provided a report on various projects / events. There were no questions.

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**16. Personnel Matters**

**a. Consideration of Resolution 2023-22, Creation of the Position of Executive Director**

Chair Thomson advised that the Personnel and Salary Committee recommended that the Board approve the Creation of the Position of Executive Director.

Director Eichenberg made a motion that the Board approve and adopt Resolution 2023-22, Creation of the Position of Executive Director, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Brown seconded the motion. The motion passed unanimously (4-0), on a roll call vote.

Items 16.b. and 16.c. had been moved to after the Executive Session and taken out of order.

**17. Executive Session (closed)**

**a. Purchase, Acquisition or Disposal of Real Property (§ 10-15-1(H)(8))**

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

Chair Thomson advised Agenda Items to be discussed under Closed Session would be Item 17.a. Purchase, Acquisition or Disposal of Real Property (§ 10-15-1(H)(8)) and 17.b. Threatened or Pending Litigation (§ 10-15-1(H)(7)). The meeting was at the AMAFCA building with four 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 Purchase, Acquisition or Disposal of Real Property and Threatened or Pending Litigation. Director Martinez seconded the motion, which passed unanimously (4-0), on a roll call vote. The Board asked that Messrs. Troutman, West, and Romero, along with Legal Counsel, remain.

Chair Thomson closed the meeting at 11:00 a.m. Director Brown made a motion to re-open the meeting at 11:17 a.m. Director Eichenberg seconded the motion, which passed unanimously (4-0), on a roll call vote. Director Brown stated that Purchase, Acquisition or Disposal of Real Property and Threatened or Pending Litigation were discussed, and no action was taken.

**16. Personnel Matters**

**b. Consideration of Executive Director Employment Agreement**

Responding to questions earlier regarding wording of the agreement, Attorney Zarr advised the concern raised had already been omitted from the final version.

Director Eichenberg made a motion that the Board approve the Executive Director Employment Agreement with Mr. Kevin W. Troutman and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Brown seconded the motion, which passed unanimously (4-0).

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**c. Consideration of Resolution 2023-23, Designation of Executive Director**

Chair Thomson advised the Personnel and Salary Committee had worked very closely with Mr. Troutman over the last seven to eight months and have been very pleased with his work.

Director Brown made a motion that the Board approve and adopt Resolution 2023-23, Designation of Executive Director, and authorize the Chair and Secretary-Treasurer to execute the same on behalf of AMAFCA. Director Eichenberg seconded the motion. The motion passed unanimously (4-0), on a roll call vote.

**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 11:20 a.m.

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Orlando G. Martinez, Jr., Secretary – Treasurer, 1/25/2024

*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.*